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# FEDERAL REGISTER

VOLUME 8

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Washington, Saturday, December 18, 1943

## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter II—War Food Administration (Commodity Credit)

[1943 C. C. C. Peanut Butter Form 1, Int. 1]

#### PART 244—OFFER TO MAKE PEANUT BUTTER DISTRIBUTION PAYMENTS

#### INTERPRETATION WITH RESPECT TO CERTAIN SHIPMENTS

In order to clarify certain provisions of the offer of Commodity Credit Corporation to make peanut butter distribution payments (herein called the "offer"), issued October 29, 1943, 8 F.R. 15681, Commodity Credit Corporation (herein called "Commodity") hereby issues the following interpretation pursuant to § 244.9 of the offer.

1. In respect of peanut butter shipped by an applicant under the conditions specified in § 244.3 (a) (1) of the offer to primary distributors, wholesalers, or retailers, it is required: (a) That the applicant have no knowledge that, or reason to believe that, any such primary distributor, wholesaler or retailer intends to resell such peanut butter or any part thereof to consumers outside the continental United States or to commercial, industrial or institutional users or governmental agencies; and (b) that the applicant give written notice, on the invoice or otherwise, to such primary distributor, wholesaler or retailer with respect to such applicable restrictions upon the resale of the peanut butter thus shipped. An applicant who has complied with the offer as thus interpreted shall not be deemed to have made any representation to Commodity with respect to, or have assumed any responsibility for, any subsequent resale of such peanut butter.

2. In respect of peanut butter shipped by the applicant to its retail stores under the conditions specified in § 244.3 (a) (2) of the offer, it is required that the applicant restrict its sales of such peanut butter to persons other than: (a) Commercial, industrial and institutional users; (b) governmental agencies; and (c) consumers outside of the continental United States. In the event any peanut butter which has been reported to Commodity as having been shipped under the conditions specified in said § 244.3 (a) (2) and in respect of which payment is or has

been made by Commodity pursuant to the offer shall subsequently be sold by the applicant in violation of such restrictions upon sale, the quantity of peanut butter thus sold in violation of such restrictions shall be deducted from the quantity of eligible peanut butter reported to Commodity in the applicant's next application for payment under the offer or, in the alternative, applicant shall remit to Commodity forthwith the amount of the payment theretofore received with respect to the quantity of peanut butter thus sold in violation of such applicable restrictions.

Issued at Washington, D. C., this 13th day of December 1943.

[SEAL] COMMODITY CREDIT CORPORATION.  
By J. B. HUTSON, President.

Attest:

ZELMA DAVIS,  
Assistant Secretary.

[F. R. Doc. 43-20109; Filed, December 17, 1943;  
11:28 a. m.]

### TITLE 8—ALIENS AND NATIONALITY

#### Chapter I—Immigration and Naturalization Service [G. O. C-43]

#### PRESUMED LAWFUL ADMISSION OF ALIENS INTO THE AMERICAN VIRGIN ISLANDS

DECEMBER 4, 1943.

Pursuant to the authority contained in section 23 of the act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); section 327 of the act of October 14, 1940 (54 Stat. 1150; 8 U.S.C. 727); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, the following amendments to Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

(Continued on next page)

## CONTENTS

### REGULATIONS AND NOTICES

#### ALIEN PROPERTY CUSTODIAN:

Vesting orders:	Page
Azzaretti, Giuseppe	16934
Ballerstein, Ralph	16944
Bornemann, Emi, et al.	16935
Carina, Fortunata	16936
De Novili Cigar Co.	16945
De Pietro, Brigetta	16935
Fujino, Yotaro	16937
Herz, Barbara	16938
Hoffman, John L.	16946
Hohenlohe, Viktor, et al.	16945
Marraccini, Eugenio and Eva	16934
Metzner, Richard Franz	16939
Muttach, William and Ma-	
thilda	16939
Nobile, Liborio	16940
Ortolani, Blanche Good	16941
Pellarin, Peter	16941
Polek, Emilie and Anna	16942
Rossi, Pier Luigi and Renzo	16944
Societa Italiana Pirelli	16946
Sperr, Joseph and Regina	16946
von Versen, William R., et al.	16946

#### CIVIL AERONAUTICS BOARD:

Chicago and Southern Air Lines, Inc., hearing	16933
---	-------

#### CUSTOMS BUREAU:

Ogdensburg, N. Y., designation as airport of entry	16925
--	-------

#### FEDERAL COMMUNICATIONS COMMISSION:

Commercial radio operators; suspension of requirements	16932
--	-------

#### FEDERAL TRADE COMMISSION:

Chain Institute, Inc., et al.; appointment of trial examiner	16933
--	-------

#### INTERNAL REVENUE:

Tax with respect to transportation of property; governmental exemption	16925
--	-------

#### INTERSTATE COMMERCE COMMISSION:

Common carriers by railroad; icing of citrus fruits	16933
Uniform system of accounts:	
Passenger carriers	16932
Property carriers	16933

(Continued on next page)

16923



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#### NOTICE

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#### CONTENTS—Continued

IMMIGRATION AND NATURALIZATION SERVICE:		Page
Virgin Islands, admission of aliens prior to July 1, 1938—		16923
NAVY DEPARTMENT:		
Claims; reimbursement of personnel for loss, damage, or destruction of property—		16931
OFFICE OF DEFENSE TRANSPORTATION:		
Coordinated operations, etc.: Common carriers; Minneapolis-St. Paul, Minn., area—		16946
Taxicabs: Cleveland and Cleveland Heights, Ohio, areas—		16947
Cleveland and Euclid, Ohio, areas—		16947
Portland, Oreg., and Vancouver, Wash., areas—		16948
OFFICE OF PRICE ADMINISTRATION:		
Adjustments, etc.: Great Northern Chemical Co.—		16948
Middle States Manufacturing Co.—		16949
Cigar filler and binder (MPR 494, Am. 1)—		16928
Distilled spirits and wines (MPR 445, Am. 10)—		16928

#### CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION:

	Page
Hearings, etc.: Cape and Vineyard Co. and New England Gas and Electric Assn—	16951
Commonwealth and South-Corp—	16953
Consolidated Electric and Gas Co. and The Islands Gas and Electric Co—	16952
Electric Power and Light Corp. and Louisiana Power and Light Co—	16950
Investors Syndicate and Investors Syndicate of America, Inc—	16953
Lone Star Gas Corp., et al—	16952
Ogden Corporation and subsidiaries—	16951
Peoples Light and Power Co. et al—	16950
Public Service Electric and Gas Co—	16949
Schurig, Kurt H., and Co. et al—	16954
Southern Union Gas Co. et al—	16953
Standard Gas and Electric Co—	16951

WAR DEPARTMENT:

United States Military Academy, entrance requirements—	16924
--	-------

WAR FOOD ADMINISTRATION:

Peanut butter distribution payments; interpretation with respect to certain shipments—	16923
--	-------

WAR PRODUCTION BOARD:

Black walnut logs (M-358)—	16926
Domestic ice refrigerators (L-7-c, Sch. VI)—	16927
Electrical wiring devices (L-277)—	16926
Footwear (M-217, Int. 3)—	16927

#### PART 110—PRIMARY INSPECTION AND DETENTION

Section 110.38 is amended by inserting after the first sentence the following:

Aliens who entered the Virgin Islands of the United States prior to July 1, 1938, shall, for purposes of reentry at any port of entry, be presumed to have been lawfully admitted for permanent residence even though no record of their original entry can be found or even though a record of their admission as nonimmigrants is found.

The following notation is added after § 110.38:

CROSS REFERENCE: For issuance of certificate of arrival based on recorded reentry of alien presumed lawfully admitted, see 8 CFR 168.10.

#### PART 168—ADMINISTRATIVE OFFICERS AND DISTRICTS

The title of Part 168 is amended to read as follows: "Part 168—Field Service Officers' Powers and Duties."

The second last and last sentences in § 168.10 are amended to read as follows:

No certificate of arrival shall be issued in behalf of an alien on the basis of an original entry which under the provisions

of § 110.38 of this chapter is presumed for reentry purposes to have been a lawful admission for permanent residence. A certificate of arrival will be issued on the basis of the reentry of such an alien where there is a manifest record showing that the reentry was by lawful admission for permanent residence.

EARL G. HARRISON,  
Commissioner of  
Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,  
Attorney General.

[F. R. Doc. 43-20038: Filed, December 16, 1943;  
3:12 p. m.]

#### TITLE 10—ARMY: WAR DEPARTMENT

##### Chapter VII—Personnel

###### PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY<sup>1</sup>

###### ENTRANCE REQUIREMENTS

With the exception of amendments and additions contained herein, §§ 75.1 to 75.26, as previously published in the FEDERAL REGISTER (6 F.R. 613; 8 F.R. 581, 13224) are retained in the 1944 edition of Information Relative to Appointment and Admission of Cadets to the United States Military Academy, West Point, New York, W. D., 5 November 1943. The particular paragraphs are shown in brackets at end of sections.

Section 75.1 (b) is amended as follows:

§ 75.1 *The Military Academy.* \* \* \*

(b) Direction and supervision of the Military Academy are vested by law in the War Department under such officer or officers as the Secretary of War may select, and, in accordance with this provision, the Secretary of War has placed it under the jurisdiction of the Commanding General, Army Service Forces, except for the curriculum and doctrine which is under the Assistant Chief of Staff, G-3, War Department. [Par. 2]

Section 75.5 (b) is deleted, the section now reading as follows:

§ 75.5 *Filipino cadets.* In addition to the 2,496 mentioned in § 75.4, the Secretary of War is authorized to permit not exceeding four Filipinos, to be designated by the President of the Commonwealth of the Philippine Islands, to receive instruction at the United States Military Academy, under the provision of the act of Congress approved 28 May 1908, as amended. These students execute an agreement to comply with all regulations for the police and discipline of the Academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction. [Par. 6]

Section 75.6 (b) (7) is amended as follows:

<sup>1</sup> Communications relating to matters connected with the Military Academy should be addressed to The Adjutant General, Washington 25, D. C.

**§ 75.6 Appointments, how made. \*\*\***

(b) \*

(7) The sources of admission from among members of the National Guard and Regular Army have been combined for the duration of the present war and opened to all enlisted men of the Army of the United States upon the recommendations of the commanding generals of the respective service and foreign commands. [Par. 7]

Section 75.19 is amended as follows:

**§ 75.19 General requirements.** (a) Candidates are eligible for admission from the day they are 17 (or 19 if from the Army of the United States) until the day they become 22 years of age, on which latter day they are not eligible. The age requirements for all candidates as well as the service requirements for appointment from the Army of the United States are statutory and cannot be waived.

(b) No candidate shall be admitted who is less than 5 feet 6 inches in height, or who is deformed or afflicted with any disease or infirmity which would render him unfit for the military service, or who has, at the time of presenting himself, any communicable disease.

(c) A candidate must be of good moral character.

(d) Candidates must never have been married.

(e) Each candidate must, on reporting at West Point, present a certificate showing successful vaccination within 1 year; or a certificate of two vaccinations, made at least a month apart, within 3 months. [Par. 37]

In § 75.22 paragraph (d) has been redesignated paragraph (f) and amended and paragraphs (e) and (f) have been redesignated (d) and (e).

**§ 75.22 Physical requirements. \*\*\***

(d) *Physical proportions for height, weight, and chest measurements for all candidates except Filipinos.* \*\*\*

(e) *Minimum standards for Filipino applicants only.* \*\*\*

(f) *Physical conditioning.* (1) Because of the nature of the new cadets' training during their first 2 months at the Academy, the physical requirements must be, of necessity, rather strenuous and exacting. Experience has indicated that those cadets who, prior to admission, have hardened themselves physically, meet these requirements best. The cooperation of parents is enjoined to encourage new cadet candidates to participate in some form of physical exercise prior to their arrival at the Academy.

(2) In the past new cadets have been unaware of the absolute necessity for maintaining good physical condition. Candidates were of the impression that having passed the physical examination, they were also physically fit or conditioned to meet the arduous duties required upon entrance. Experience has proven that such is not the case. Passing the physical examination simply means that the candidate has a normal body and has no apparent serious physical defects. It does not insure normal muscular development nor proper physical fitness to undergo the initial training at the United States Military Academy without considerable difficulty.

(3) Much valuable time has been lost from instruction because of poor physical condition, sore feet, muscular soreness, strained arches and many other physical impairments due to unaccustomed physical exertion. This can be avoided if all new cadet candidates begin to condition themselves immediately upon notification of appointment. The conditioning program<sup>3</sup> may include daily exposure to sunlight, running, taking long hikes, swimming, and other types of exercise.

(R.S. 161; 5 U.S.C. 22)

[SEAL]

J. A. ULIO,

Major General,  
The Adjutant General.

[F. R. Doc. 43-20063; Filed, December 17, 1943;  
9:52 a. m.]

**TITLE 19—CUSTOMS DUTIES****Chapter I—Bureau of Customs**

[T.D. 50977]

**PART 6—AIR COMMERCE REGULATIONS****OGDENSBURG, N. Y., MUNICIPAL AIRPORT**

DECEMBER 15, 1943.

Ogdensburg Municipal Airport, Ogdensburg, New York, redesignated as an airport of entry for one year. Section 6.13, Customs Regulations of 1943, amended.

The Ogdensburg Municipal Airport, Ogdensburg, New York, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from December 10, 1943.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR 6.13), is hereby amended by changing the date of designation opposite the name of this airport to "December 10, 1943."

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177  
(b))

[SEAL]

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 43-20113; Filed, December 17, 1943;  
11:28 a. m.]

**TITLE 26—INTERNAL REVENUE****Chapter I—Bureau of Internal Revenue****Subchapter A—Income and Excess-Profits Taxes**

[T. D. 5312]

**PART 143—REGULATIONS RELATING TO THE TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY****GOVERNMENTAL EXEMPTION FROM TAX ON AMOUNTS PAID FOR TRANSPORTATION OF PROPERTY**

In order to conform Regulations 113 (Part 143, Title 26, Code of Federal Reg-

<sup>3</sup> Training hints, the aim of which is to advise and guide the individual so that he can better physically prepare himself for West Point, are included in the pamphlet, Information Relative to Appointment and Admission of Cadets to the United States Military Academy.

ulations, Cumulative Sup.] to Public Law 180 (78th Congress), approved November 4, 1943, Subpart D of such regulations is amended to read as follows:

**SUBPART D—GOVERNMENTAL EXCEPTIONS**

**SEC. 3475. TRANSPORTATION OF PROPERTY.** As added by section 620 (a) of the Revenue Act of 1942.

(b) *Exemption of government transportation.* The tax imposed under this section shall not apply to amounts paid by or to the United States or any agency or instrumentality of the United States for the transportation of property.

**PUBLIC LAW 180—78TH CONGRESS, 1ST SESSION, APPROVED NOVEMBER 4, 1943**

That section 3475 (b) of the Internal Revenue Code (relating to the tax on the transportation of property) is amended to read as follows:

(b) *Government transportation.* The tax imposed under this section shall not apply to amounts paid for the transportation of property to or from the Government of the United States, or any State, Territory, or political subdivision thereof, or the District of Columbia, or to amounts paid to the Post Office Department for the transportation of property.

Sec. 2. The amendment made by section 1 shall take effect with respect to amounts paid, on and after the first day of the first month which begins more than ten days after the date of the enactment of this Act, for the transportation of property on and after such first day.

**§ 143.20 Amounts paid for transportation originating prior to December 1, 1943.** An amount paid for the transportation of property, where such transportation originated prior to December 1, 1943, is exempt from the tax (1) if paid directly to a carrier by the United States or any agency or instrumentality thereof, or by a State, or political subdivision thereof, or (2) if paid to the United States or any agency or instrumentality thereof. In either case an exemption certificate is not required.

**§ 143.21 Amounts paid for transportation originating on and after December 1, 1943.** An amount paid on or after December 1, 1943, for the transportation, originating on or after such date, of property to or from the Government of the United States, or any State, Territory, or political subdivision thereof, or the District of Columbia, is exempt from the tax. Where the shipping papers show the consignor or consignee to be the Government of the United States, or any State, Territory, or political subdivision thereof, or the District of Columbia, or an agency or instrumentality of any of the foregoing, such papers may be accepted by the carrier as proof of the exempt character of the shipment. A United States Government bill of lading may likewise be accepted as evidence of the exempt character of the shipment. In any case covered by the two preceding sentences, a certificate of exemption is not required.

All amounts paid to the Post Office Department for the transportation of property are exempt from the tax.

For penalties applicable to any person falsely claiming exemption under this section or § 143.20, see section 1718 of the Internal Revenue Code, made

applicable to the tax on amounts paid for the transportation of property by section 3473 thereof.

(Secs. 3472 and 3791 of the Internal Revenue Code (53 Stat. 423, 467; 26 U.S.C. 3472, 3791) and Pub. Law 180 (78th Cong.), approved November 4, 1943)

[SEAL] ROBERT E. HANNEGAN,  
Commissioner of Internal Revenue.  
Approved December 16, 1943.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 43-20112; Filed, December 17, 1943;  
11:29 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter B—Executive Vice-Chairman

**AUTHORITY:** Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

#### PART 3284<sup>1</sup>—BUILDING MATERIALS

[General Limitation Order L-277, as Amended Dec. 17, 1943]

##### ELECTRICAL WIRING DEVICES

Section 3284.31,<sup>1</sup> General Limitation Order L-277, is hereby amended to read as follows:

§ 3284.31 General Limitation Order L-277—(a) Definitions of "electrical wiring device". (1) "Electrical wiring device" means any unit of an electric circuit which does not consume electrical energy, but is used for the purpose of switching, tapping, or connecting such circuit. The term includes, but is not limited to the following:

(i) Sockets and lampholders of all types and component parts thereof;

(ii) Switches, such as: tumbler, push, rotary, snap, pull, door, pendant, cord, canopy, appliance switches; and component parts thereof;

(iii) Receptacles, such as: weatherproof, watertight, non-watertight, motor base, polarized, locking, electric range, pilot light receptacles; and component parts thereof;

(iv) Caps, plugs, connectors and taps, such as: weatherproof, watertight, non-watertight, polarized, locking and electric range plugs, current taps, attachment plugs and component parts of such caps, plugs, connectors and taps;

(v) Rosettes, adapters; and component parts thereof.

(2) "Electrical wiring devices" shall not include lighting fixtures, portable lamps, flashlights, fuses, fuse cutouts, lugs, mechanical wire connectors, knife blade switches, fluorescent starter switches, relays, push buttons, automatic control equipment, circuit breakers or any unit of an electric circuit designed and constructed to connect, convey or

control electrical energy in excess of 60 amperes or 600 volts.

(b) *Definition of "manufacturer".* "Manufacturer" means any person who produces, processes, or assembles electrical wiring devices or component parts thereof.

(c) *Restrictions on sale and delivery.* No manufacturer may ship, transfer, sell or otherwise dispose of an electric wiring device except on an order bearing a preference rating of AA-5 or higher.

(d) *Violations and false statements.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB 1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(f) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(g) *Communications.* Reports and other communications concerning this order shall be addressed to: War Production Board, Building Materials Division, Washington, 25, D. C., Ref: L-277.

Issued this 17th day of December 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-20070; Filed, December 17, 1943;  
10:49 a. m.]

#### PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-358]

##### BLACK WALNUT LOGS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of black walnut for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3285.91 Conservation Order M-358—  
(a) *Definitions.* For the purposes of this order:

"Black walnut logs" means logs of the botanical species *Juglans nigra* which are known commercially as black walnut. Stumps up to 50" in length are excluded.

(b) *Restrictions on delivery and use.* No person may deliver any black walnut logs to any person whom he knows or has reason to believe will use the logs for any purpose not permitted by this

order. No person may accept delivery of any black walnut logs except for use or re-delivery as permitted by this order. No person may use any black walnut logs in the manufacture of any product other than gunstock blanks and flitches, and other parts of firearms, unless the use is specifically permitted by the War Production Board in the manner described in the following paragraph.

(c) *Specific permission to use black walnut logs.* If at any time the War Production Board determines that the available supply of black walnut logs exceeds the quantity required in the manufacture of firearms, or that any particular logs cannot be used for this purpose, it will release specified quantities of the logs by letter addressed to the mills producing them or other persons having inventories of logs. Releases may be unconditional or may permit use of the logs only for designated purposes. The War Production Board may release black walnut logs of its own motion, or on the request of any interested person. Any request for a release should be made by letter, addressed to the War Production Board, Lumber and Lumber Products Division, Washington 25, D. C. The letter should state the quantity of logs involved, the location and ownership of them and the reason why a release is requested. This data requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Reports.* Any person who, on December 17, 1943, had in his possession or under his control more than five thousand board feet of black walnut logs shall, within ten days after that date, report his inventory and its location to the War Production Board on Form WPB-3402. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Such other reports shall be filed as the War Production Board may require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

<sup>1</sup> Formerly Part 1230, § 1230.6.

(h) **Communications.** All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Lumber and Lumber Products Division, War Production Board, Washington, 25, D. C., Ref: M-358.

Issued this 17th day of December 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-20072; Filed, December 17, 1943;  
10:49 a. m.]

**PART 3290—TEXTILE, CLOTHING AND  
LEATHER**

[Conservation Order M-217, Interpretation 3]

**FOOTWEAR**

The following interpretation relates to paragraph (e-e) General Conservation Order M-217 and the American War Standards Specifications for Protective Occupational Footwear referred to in said paragraph:

1. General Scope of American War Standards Specifications:

Q. Do the specifications cover all shoes made with steel box toes?

A. No. They do not cover wooden sole shoes and rubber footwear.

Q. Are there any safety shoes, covered by the specifications, which do not incorporate steel toe boxes?

A. Yes. The Women's Explosives-Operations (non-sparking) Shoes—Z41.8, Women's Conductive Shoes—Z41.9, Men's Conductive Shoes—Z41.3, Men's Explosives-Operations (non-sparking) Shoes—Z41.4 and Men's Foundry Molder's Shoes—Z41.6 may be made with or without steel box toes.

2. Women's Safety-Toe Shoes Z41.2, Z41.7, Z41.8 and Z41.9.

Q. May any manufacturer produce Women's Safety Shoes of all three constructions?

A. Only Women's Safety Toe (Oxford) Shoes—Z41.2 and Women's Safety Toe (high) Shoes—Z41.7 may be produced in Welt, McKay Welt and Littleway Constructions. Women's Explosives-Operations (non-sparking) Shoes—Z41.8 and Women's Conductive Shoes—Z41.9 are restricted to Goodyear Welt constructions.

Q. How many heel heights may be used for the Women's Safety Shoes?

A. Two. 8/8 and 12½/8 heel height may be used on all Women's Safety Shoes except the Safety Toe High Shoes (Z41.7) which require the 8/8 heel height only.

3. Men's Protective Occupational Footwear—Men's Safety-Toe Shoes Z41.1.

Q. Under paragraph 2.2 *Types*, 6 inch Shoe Unlined Nailed, subparagraph (b), is it possible to make two shoes, one with plain rubber sole and one with corded rubber sole?

A. Yes, provided the shoe is identical except for the cord sole.

Q. Is it possible to make an 8 inch and 10 inch shoe?

A. Yes. Provided each is of a different type as provided under section 2.2 of Z41.1.

Q. Under paragraph 3.5.1.2 Nailed (including standard screw construction) is it possible to use a single leather insole?

A. Yes. Provided the leather insole is not less than 5 irons in thickness.

Q. Under paragraph 3.5.2 *Outsoles*, is it possible to make a Goodyear welt lined shoe with full double leather soles?

A. No. Goodyear welt lined shoes can be made only with single or half-double leather soles.

Q. Can we make one shoe with a two piece quarter and another shoe with a whole quarter in the same designation?

A. No. These shoes would be in different designations.

Q. Can we use leather vamp linings?

A. No. The Specifications call for fabric linings only.

Q. Can we make a shoe in both wide and narrow toe last and call it one shoe?

A. No. Two different lasts would mean two shoes of the same designation.

Q. Can shoes with fibre counters and leather counters be considered to be in the same designation?

A. No.

Q. Can any designated shoe be made with either Brown or Black upper leather?

A. Yes. However, a manufacturer may not produce black shoes and brown shoes in any one designation.

Q. Are shoes constructed with single soles, full double soles and ¾ double soles considered to be in the same designation?

A. No. Manufacturers must decide the sole construction to be used.

Q. Can we vary a 6 inch shoe by making one shoe with a full drill quarter lining and another identical shoe except for a drill quarter lining and a leather counter pocket, and classify it as one shoe designation?

A. No.

Q. Can a shoe be constructed with a rolled top binding and also with an inside top binding or no top binding and be considered as one shoe designation?

A. No. No more than one method of binding may be used in any one designation.

Q. Can a shoe be constructed with a regular grain insole and also with a cookie grain insole and be considered as one shoe designation?

A. No.

Q. Can shoes made with leather and rubber heels be considered to be in the same designation?

A. No.

Q. Under 6" unlined Goodyear welt shoes there are four styles listed—Z41.1-H, Z41.1-I, Z41.1-J and Z41.1-K. These are also classified (a), (b), (c) and (d), respectively. Referring to Item (c) we understand one shoe can be made with a plain Composition sole and another with a cord Composition sole, which would give two shoes under this classification, so instead of four 6" unlined Goodyear welt shoes, there are five.

A. That is correct. There are five.

Q. We are making a black Elk shoe with a cord sole, a russet Elk shoe with a cord sole and a black Retan shoe with a cord sole. Can we still continue to make these three shoes or are we restricted to one shoe only with a cord sole under this group?

A. You are restricted to one shoe with a cord sole.

Q. Do the specifications permit the use of a tap sole?

A. Yes. However, the manufacturer must choose between a tap sole and a full outsole in any one designation.

Issued this 17th day of December 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-20073; Filed, December 17, 1943;  
10:49 a. m.]

**PART 3291—CONSUMERS DURABLE GOODS**

[Supplementary Limitation Order L-7-c, Schedule VI]

**DOMESTIC ICE REFRIGERATORS**

\$ 3291.22 Schedule VI to Limitation Order L-7-c. Pursuant to paragraph (b) (2) of Limitation Order L-7-c:

The following production quotas for domestic ice refrigerators are established

for the period from January 1, 1944 to March 31, 1944 inclusive. During that period each manufacturer named is authorized to produce the number of domestic ice refrigerators set forth below opposite his name. Such manufacturers may not produce more domestic ice refrigerators than the number set forth opposite their respective names even for orders bearing preference ratings. All domestic ice refrigerators produced by each manufacturer must be included in the quotas listed in this schedule.

Company and Location:	Units
Alaska Refrigerator Company, Brooklyn, N. Y.	7,000
American Fixture & Mfg. Company, St. Louis, Mo.	12,500
Atkins Table & Cabinet Company, Brooklyn, N. Y.	5,000
Brunswick Refrigerator Company, Brooklyn, N. Y.	4,000
Colson Metal Products Company, Kansas City, Mo.	750
Coolerator Company, Duluth, Minn.	46,000
George H. Dean, Norwood, R. I.	435
Doherty-Stirling, Inc., Baton Rouge, La.	1,000
Dratch's Victory Refrigerator Box, Brooklyn, N. Y.	2,500
Durasteel Company, Hannibal, Mo.	6,000
Fy-Boro Metal Products Co., Inc., Brooklyn, N. Y.	6,000
Getz Bros. & Company, San Francisco, Calif.	1,100
Globe Wood Products Company, Brooklyn, N. Y.	5,000
Home Building Corporation, Kansas City, Mo.	3,000
Ice Cooling Appliance Corp., Morrison, Ill.	18,325
Iceland Refrigerator Company, Brooklyn, N. Y.	5,000
King Refrigerator Company, Brooklyn, N. Y.	7,500
Maine Manufacturing Company, Nashua, N. H.	15,500
Minton Lumber Company, Mountain View, Calif.	614
Modern Refrigerator Works, Glendale, Calif.	4,620
C. Nelson Manufacturing Co., St. Louis, Mo.	3,000
Precision Metal Products Co., Brooklyn, N. Y.	6,000
Progress Refrigerator Company, Louisville, Ky.	13,660
L. D. Reeder Company, Los Angeles, Calif.	14,225
Sanitary Refrigerator Company, Fond du Lac, Wis.	24,000
Scott Graff Company, Duluth, Minn.	3,000
Seeger Refrigerator Company, St. Paul, Minn.	20,000
Sheridan Store Equipment Co., Kansas City, Mo.	5,000
A. J. Stephens & Company, Kansas City, Mo.	2,000
Stoddard Manufacturing Company, Mason City, Iowa	2,500
Success Manufacturing Company, Gloucester, Mass.	6,000
Victory Manufacturing Corp., Baltimore, Md.	610
Ward Refrigerator & Mfg. Co., Los Angeles, Calif.	17,970
'Ice chests only	
Issued this 17th day of December 1943.	
WAR PRODUCTION BOARD,	
By J. JOSEPH WHELAN,	
Recording Secretary.	

[F. R. Doc. 43-20074; Filed, December 17, 1943;  
10:49 a. m.]

## FEDERAL REGISTER, Saturday, December 18, 1943

## Chapter XI—Office of Price Administration

## PART 1358—TOBACCO

[MPR 494,<sup>1</sup> Amdt. 1]DOMESTIC CIGAR FILLER AND BINDER  
TOBACCO OF THE 1943 CROP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Section 2 is amended by adding a new paragraph to read as follows:

(c) For sellers (other than growers or grower cooperatives) not packing tobacco of low grades. The maximum price of a seller (other than a grower cooperative not packing tobacco) to a particular purchaser for a low grade of domestic cigar filler or binder tobacco of the 1943 crop shall be the highest price received by him from that purchaser for such tobacco of the 1942 crop of the same type and grade, multiplied by the applicable percentage figure listed in Table III. If the seller did not sell such tobacco of the 1942 crop to the particular purchaser, his maximum price shall be the highest price received by him from a purchaser of the same class for such tobacco of the 1942 crop of the same type and grade, multiplied by the applicable percentage figure listed in Table III.

"Low grade of tobacco" means a grade of a particular type of domestic cigar filler or binder tobacco of the 1943 crop resulting from sorting, packing or other warehousing operations by a grower packer, grower cooperative or purchaser of such tobacco and sold to manufacturers, dealers, jobbers or packers. The term refers to the following grades of cigar filler and binder tobaccos in the localities indicated:

## FILLERS

## Pennsylvania

Farm fillers  
Strip straight (including seconds)  
Warehouse sprigs  
Warehouse throw-outs

## Ohio

Farm fillers  
Farmer's trash  
Warehouse sprigs  
Warehouse throw-outs  
Warehouse leaves

## BINDERS

## Connecticut

Havana seed:  
Warehouse stemming  
Broadleaf:  
Farm fillers  
Farmer's trash  
Farmer's stemming

## New York and Pennsylvania

Havana seed:  
Farm fillers  
Stemming ends

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 15663.

## Wisconsin

Stemming ends and farm fillers  
Strip straight  
Farmer's trash  
Warehouse stemming  
Warehouse throw-outs

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for low grades of tobacco for sales to different purchasers or different kinds of purchasers (for example, manufacturers, dealers, jobbers, packers) or for purchasers located in different areas or for different quantities or grades or under different conditions or sale.

TABLE III—MAXIMUM PRICES FOR RESALE OF LOW GRADES OF TOBACCO<sup>2</sup>

## FILLERS

Type	Percentage
41 Pennsylvania Seedleaf	124
42 Ohio: Gebhardt and Hybrid Types (Seedleaf)	139
43 Zimmer and Spanish (Havana Type)	139
44 Dutch or Little Dutch	139

## BINDERS

51 Connecticut Broadleaf	153
52 Connecticut Havana Seed	153
53 New York and Pennsylvania Ha- vana Seed	163
54 Southern Wisconsin	126
55 Northern Wisconsin	126

This amendment shall become effective December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

CHESTER BOWLES,  
Administrator.

Approved: December 14, 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-20042; Filed, December 16, 1943;  
4:50 p. m.]

PART 1420—BREWERY, DISTILLERY AND  
WINERY PRODUCTS[MPR 445,<sup>2</sup> Amdt. 10]

## DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 445 is amended in the following respects:

1. Section 1.2 (f) (2) is amended to read as follows:

(2) Maximum prices provided by section 1.7 for sales of bulk imported distilled spirits and wines are prices f. o. b. port of entry. Maximum prices provided

<sup>2</sup> Maximum resale price must be computed on the basis of the same weight (for example, green weight, finished weight, packed weight, receiving weight) as the 1942 crop.

<sup>2</sup> 8 F.R. 11161, 11851, 13496, 13500, 13845, 14016, 14400, 15912.

by that section for sales of domestically packaged imported distilled spirits and wines are prices f. o. b. domestic bottling plant unless otherwise expressly stated therein.

2. Section 1.2 (b) (6) is amended to read as follows:

(6) Material information contained on their labels in accordance with the United States Labeling Laws or regulations applicable to each. Age, proof, alcohol content, type designation, vintage and ingredients, as stated on the labels, shall be deemed material information.

3. Section 1.3 is amended to read as follows:

SEC. 1.3 Meaning of "net cost" used in figuring importer's maximum prices under sections 1.4, 1.5, and 1.6. The "net cost" to be used by an importer to figure his maximum prices under sections 1.4, 1.5, and 1.6 is the total of the following elements of cost actually paid by him with respect to a particular purchase of the item to be priced:

(a) Purchase price. The foreign vendors' selling price (less all discounts excepting any discount for prompt payment [cash discount]), not in excess of his maximum prices under applicable regulations or orders of the Office of Price Administration in instances where his selling price is subject thereto, nor in excess of his selling price in effect on April 30, 1943, in all other instances.

(1) Including charges for transporting the item to foreign port of embarkation (where shipment to the United States port of arrival is made by water), and

(2) Including foreign customs charges and export taxes at rates not in excess of those in effect on April 30, 1943.

NOTE: Where the item is one which has not been produced in the United States or a Territory or Possession thereof, the importer, in calculating his net cost will in all cases use the price which he paid the foreign vendor or the foreign vendor's selling price in effect on April 30, 1943, whichever of the two figures is the lower. Where the item is one which has been produced in a Territory or Possession of the United States, the importer in calculating his net cost will use the price which he paid the territorial supplier or the territorial supplier's established ceiling price for sale of the item to importers, whichever of the two figures is the lower. However, if in any instance, the sale to an importer of an item produced in a Territory or Possession of the United States is not subject to the provisions of an order or regulation of the Office of Price Administration, the importer will use the price which he paid the territorial supplier or the territorial supplier's selling price in effect on April 30, 1943, whichever of the two figures is the lower.

(b) Insurance. Insurance charges for the period during which the item is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board.

(c) Freight—(1) Items imported in packages or imported and sold in bulk. Ocean freight from foreign port of embarkation to port of arrival in conti-

ental United States (where shipment to port of arrival is made by water) or land freight from foreign shipping point to point of arrival in continental United States (where shipment to point of arrival is made by land); inland freight from port or point of arrival to port of entry, and inland freight from port of entry to the importer's customary receiving point for the item, exclusive of charges for hauling, drayage or handling within the metropolitan area of such port or point. The importer shall include only the freight he paid, figured at the rate paid.

(2) *Items imported in bulk and sold in packages after domestic bottling.* Ocean freight for transporting the item in bulk from foreign port of embarkation to port of arrival in the continental United States (where shipment to port of arrival is made by water) or land freight for transporting the item in bulk from foreign shipping point to point of arrival in continental United States (where shipment to point of arrival is made by land); inland freight for transporting the item in bulk from port or point of arrival to port of entry nearest the plant where bottling or rectifying is done; inland freight for transporting the item in bulk from that port of entry to such plant, and inland freight for transporting the item in packages from that bottling plant to the importer's customary shipping point for the packaged item, exclusive of charges for hauling, drayage or handling within the metropolitan area of any such port or point. The importer shall include only the freight he paid, figured at the rate paid.

(d) *Taxes and United States customs duties.* United States excise taxes, United States customs duties, one cent for each strip stamp affixed to individual containers, and state or local excise taxes. All taxes and customs duties shall be figured at rates in effect on November 2, 1942 and shall be included only if imposed upon and applicable to the sale of the item for which a maximum price is being figured.

**NOTE:** License, income, franchise, receipts, sales, use or other similar federal, state or local taxes cannot be included in "net costs".

4. Section 1.4 (a) (1) (ii) up to the note therein is amended to read as follows:

(ii) If he made no purchase of the item between January 1, 1943 and April 30, 1943 but received from his foreign supplier a bona fide written or cable quotation offering the item for shipment between those dates, the net cost that would have been applicable to the same unit of sale if he made a purchase of the item on terms evidenced by the latest such quotation.

5. The text of section 1.5 (a) (1) (ii) up to the note therein is amended to read as follows:

(ii) If he made no purchases of the item between January 1, 1943 and April 30, 1943 but received from his foreign supplier a bona fide written or cable quotation offering the item for shipment between those dates, the net cost that

would have been applicable to the same unit of sale if he had made a purchase of the item on terms evidenced by the latest such quotation.

6. Section 1.5 (a) (2) is amended to read as follows:

(2) *Markup.* The difference between:

(i) His net cost (figured according to section 1.3) for the same unit of sale from his last purchase prior to March 31, 1942 of an item of the same type designation from a foreign supplier out of which he made or offered to make sales during March 1942, and

(ii) The highest price he charged during March 1942 for the unit of sale or at which he offered to sell that unit of the item of the same type designation to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

**NOTE:** One item shall be considered of the same type designation as another only if both items are within the same classification and subclassification of identity under applicable United States labeling laws and regulations, and only if the following matters as stated on the label thereof are identical: Proof, age, vintage, alcohol content, country of origin and container size.

For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage markups provided in Article V. However, an importer who prior to August 9, 1943 operated both import and wholesale divisions, and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe these practices, consider his wholesale division as a separate entity and use the percentage markups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe these practices, treat his retail division in a like manner.

7. The headnote and introductory text of section 1.5 (c) are amended to read as follows:

(c) *Report and correction of maximum prices established under section 1.5.* On or before September 13, 1943, each importer shall file with the Office of Price Administration, Beverage Section, Washington, D. C., a report of all items for which his initial maximum prices are established under section 1.5. The Office of Price Administration may, by order, adjust any such prices which have been erroneously figured. The report shall be signed by the importer and shall contain:

8. Section 1.7 (b) up to and including subparagraph (1) thereof is amended to read as follows:

(b) *Importer's maximum prices for certain commodities imported in bulk.* An importer's maximum price for any commodity listed below, imported in bulk and sold either in bulk or in packages,

shall be determined according to its base figure and type of sale indicated below, except that, if the commodity he imports in bulk and bottles domestically is of the same type designation and is sold in the same container size under the same brand name as an item which the importer imported in packages and sold or offered for sale during March 1942, his maximum price to a class of purchaser for the commodity imported in bulk and bottled domestically shall be the maximum price to the same class of purchaser which he could compute under section 1.4 for the item which he imported in packages and sold or offered for sale during March 1942.

(1) *Base figures for certain imported commodities.*

Commodity	Base figure
Cuban distilled gin (as defined in section 7.12)	\$1.75
Cuban rum (as defined in section 7.12)	2.75
Cuban whiskey bearing an age statement or accompanied by a certificate showing age of six months or less (as defined in section 7.12)	.83
Mexican distilled gin (as defined in section 7.12)	1.90
Mexican tequila (as defined in section 7.12)	2.10
Mexican whiskey bearing an age statement or accompanied by a certificate showing age of six months or less (as defined in section 7.12)	.83

\* Or the importer's "direct cost", f. o. b. port of arrival, plus 15¢ per proof gallon, whichever figure is the lower. "Direct cost" means the price paid the foreign vendor, not in excess of the foreign vendor's selling price in effect on April 30, 1943 (less all discounts and allowances except the discount given for prompt payment) plus charges for cooperage, Cuban export tax, freight to port of arrival, loading, war risk insurance and marine insurance, wharfage, consular fees, customs broker fees, customs entry fees, and loss of merchandise and customs duty due to leakage and evaporation in shipment to the United States.

9. Section 1.7 (b) (1) (ii) is amended to read as follows:

(ii) *Tax paid sales f. o. b. port of entry.* The maximum price provided under (1) above for a sale of the same quantity, in bond, plus United States customs duties and United States excise taxes paid thereon by the importer at rates in effect on November 2, 1942. The amount of excise taxes shall be determined on the number of proof gallons according to the regauge on which they are paid. The amount of customs duties shall be determined on original proof gallons according to the first customs gauge in the United States: *Provided*, That where the commodity has been imported at less than 100° proof, the amount of customs duties and excise taxes shall not be in excess of that which would have been applicable if the commodity had been imported at 100° proof.

10. Section 1.7 (b) (2) (i) (b) is amended to read as follows:

(b) United States customs duties and United States excise taxes at rates in effect on November 2, 1942: *Provided*,

## FEDERAL REGISTER, Saturday, December 18, 1943

That where the commodity has been imported at less than 100° proof, the amount of United States customs duties and excise taxes shall not be in excess of that which would have been applicable if the commodity had been imported at 100° proof.

11. The second paragraph of the first note appearing in the text of section 1.7 (b) (3) is hereby revoked.

12. Section 1.7 (b) (2) (i) (h) is amended to read as follows:

(h) State and local excise taxes and one cent for each strip stamp affixed to individual containers. All taxes shall be figured at rates in effect on November 2, 1942 and shall be included only if imposed upon and applicable to the sale of the item for which a maximum price is being figured.

NOTE: No amount shall be added for license, income, franchise, receipts, sales, use or other similar federal, state or local taxes.

13. Section 1.7 (b) (2) (ii), (iii) and (v) are amended to read as follows:

(ii) *Sales to monopoly states.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, plus the amount paid by the importer to purchase and affix monopoly state seals or stamps to individual containers in the case being priced. If the seals or stamps are affixed by the monopoly state, the amount added shall not exceed the highest amount charged for the corresponding seals or stamps and service during March 1942, and if the importer affixed the seals or stamps before delivery of the item, shall not exceed fifty cents per case.

(iii) *Sales to retailers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers plus the percentage markup provided in Article V for sale of the same item by wholesalers to retailers.

Where the importer makes the sale to a retailer f. o. b. a customary shipping point other than the domestic bottling plant, he may add to his maximum price to wholesalers, before applying the markup, inland freight he pays for direct shipment from such plant to the shipping point, exclusive of charges for local hauling, drayage, or handling within the metropolitan areas of such points.

(v) *Sales to consumers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers plus the percentage markup provided in Article V for sales of the same item by retailers to consumers.

Where the importer makes the sale to a consumer f. o. b. a customary shipping point other than the domestic bottling plant, he may add to his maximum price to wholesalers, before applying the markup, inland freight he pays for direct shipment from such plant to the shipping point, exclusive of charges for local hauling, drayage, or handling within the metropolitan areas of such points.

14. The note following section 1.7 (b) (2) (v) is revoked and section 1.7 (b) (2) (vi) is added to read as follows:

(vi) *For individual container.* An importer's maximum price for individual containers of such item shall be his maximum price per case for the item to a customer of the same class divided by the number of containers customarily packed in the case.

15. Section 1.8 (c) (4) is amended to read as follows:

(4) The amount of his net cost (as defined in section 1.3) for his latest purchase of the item with each element thereof separately stated. If the item is produced in a territory or possession of the United States and his supplier's maximum price therefor is prescribed by an order or regulation of the Office of Price Administration, the importer shall furnish a letter from the appropriate office of the Office of Price Administration having jurisdiction over his supplier, or other satisfactory evidence, that his supplier's price for the item does not exceed the supplier's maximum price for the sale established under applicable Office of Price Administration regulations. In all other instances, the importer shall furnish evidence in the form of invoices, offer and acceptance, documents or affidavits that the amount used as his purchase price does not exceed the corresponding amount as of April 30, 1943. Figures used to show cost of insurance and freight shall be based on firm contract or actual experience if available, and shall be substantiated by invoices, offers, documents or affidavits submitted with the application, or, where no shipment has been received, shall be stated as estimates, and computed on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received and arrived the same day at a customary point of arrival for shipments from the particular supplier.

16. Section 1.8 (c) (5) is redesignated section 1.8 (c) (6) and section 1.8 (c) (5) is added to read as follows:

(5) The gross markup over net cost (as defined in section 1.5) which the importer proposes to use in establishing his maximum prices for the item to each of his classes of customers. The importer shall state whether or not he sold or offered items of the same type designation in the same container sizes for sale to customers of those classes during March 1942, and if he did, shall submit evidence in the form of invoices, offers, documents or affidavits showing that such gross markup does not exceed his March 1942 dollar and cents markup for sales of items of the same type designation in the same container size to customers of these classes.

17. Section 1.8 (d) (1) (i) is added to read as follows:

(i) *Adjustment of prices based upon estimates.* If any maximum prices proposed for an item in the importer's application are based upon estimated ele-

ments of cost, and the prices for that item so proposed are, or have been approved pursuant to this section, the maximum prices so approved shall be reduced and may be increased, without further action by the Office of Price Administration, to the extent necessary to reflect any difference between the estimated expense and the actual expense for those elements on the first delivery of the item from the foreign suppliers. Within thirty days after delivery of the item, or on or before December 16, 1943, whenever is later, the importer shall report for the item to the Office of Price Administration, Beverages and Imported Foods Section, Washington, D. C. the actual expenses for the estimated elements of cost and the resulting increase or reduction in the maximum price for the item. Expenses when reported shall be substantiated by invoices or other evidence satisfactory to the Office of Price Administration.

18. Section 1.8 (d) (2) is amended to read as follows:

(2) The Price Administrator may, at any time, by order or by amendment to this article establish maximum prices for importer's sales of particular items to one or more classes of their customers. When the Price Administrator acts by amendment, maximum prices thereby provided shall supersede an importer's maximum prices for any such item previously established by order issued under this regulation or by authority granted under (1) above and shall apply to all his sales, offers to sell, or deliveries of the item made on and after the effective date of the amendment: *Provided*, That where an importer's maximum price for an item have been thus established or authorized prior to the issue date of the amendment, and prior to the fifth day following that issue date he has posted or listed those prices with a state or other public authority in accordance with a statute, ordinance, or regulation requiring him to do so, the price first established or authorized shall remain in effect with respect to particular sales, offers to sell or deliveries which the importer is required to make at those prices until on and after the first effective date for prices so posted or listed by him at his first opportunity following the ninth day after the issue date of the amendment.

19. Section 7.12 (a) (49) and (50) are added to read as follows:

(49) Cuban whiskey means a commodity included in class 2 of Article II of Regulation No. 5, and produced in the Republic of Cuba.

(50) Mexican whiskey means a commodity included in class 2 of Article II of Regulation 5, and produced in the Republic of Mexico.

This amendment shall become effective December 16, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20043; Filed, December 16, 1943;  
4:49 p. m.]

## TITLE 34—NAVY

### Chapter I—Department of the Navy

#### PART 14—CLAIMS

##### REIMBURSEMENT OF PERSONNEL OF NAVAL ESTABLISHMENT FOR LOSS, DAMAGE, OR DESTRUCTION OF PRIVATE PERSONAL PROPERTY

Pursuant to the authority vested in the Secretary of the Navy by the Act of October 27, 1943, Public Law 176, 78th Congress, the following regulations are prescribed to govern the reimbursement, under the authority of subject act, of officers, enlisted men, and others, in the Naval Establishment of the United States for property lost, damaged, or destroyed in such service:

Sec.	
14.1	Definitions.
14.2	Navy service personnel.
14.3	Marine Corps service personnel.
14.4	Coast Guard service personnel.
14.5	Civilian personnel.
14.6	Separation from service.
14.7	Death of claimant.
14.8	Limitations on time for filing claims.
14.9	Appeals.
14.10	Claims previously settled.
14.11	Authorization for issuance of instructions.

AUTHORITY: §§ 14.1 to 14.11, inclusive, issued under Pub. Law 176, 78th Cong.

§ 14.1 Definitions. As used in §§ 14.1 to 14.11 inclusive:

(a) "Claim" means any claim filed under oath by the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, and of the Coast Guard when operating as a part of the Navy, by personnel of the Coast and Geodetic Survey and Public Health Service when serving with the Navy, and by civilian employees of the Naval Establishment, for loss, damage, or destruction, on or after December 7, 1941, (1) of such articles of personal property as are required to be possessed and used by such officers, enlisted men, and others in connection with their service or employment and (2) such additional items of personal property, including money or currency, as shall have been reasonably and properly in the place where they were lost, damaged, or destroyed, in consequence of the service or employment in which the serviceman or employee was engaged: *Provided, however,* That the loss, damage, or destruction for which the claim is made is not due to fault or negligence on the part of the claimant: *And provided further,* That such loss, damage, or destruction has occurred or shall hereafter occur under the following circumstances: (i)

When the loss, damage, or destruction is due to operations of war, shipwreck, or other marine disaster, or the wreck of an aircraft or other disaster thereto: *Provided,* That the term "marine disaster" as used herein shall include an accident occurring on board a vessel; (ii) when the loss, damage, or destruction is in consequence of the serviceman or employee having given his attention to the saving of the life of another, or of property belonging to the United States; (iii) when such property is lost, damaged, or destroyed by reason of being shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment; or is lost, damaged, or destroyed, whether or not due to negligence on the part of Government personnel, while in shipment pursuant to orders issued by competent authority, but where the property was transported by a common carrier, the reimbursement shall be limited to the extent of such loss, damage, or destruction over and above the amount recoverable from such carrier; or (iv) when such property is lost, damaged, or destroyed by reason of being furnished at the direction of competent authority to another person under conditions of immediate and urgent distress.

(b) "Navy," "Marine Corps," and "Coast Guard," respectively, include in each case, unless the context otherwise requires, the reserve component thereof.

(c) "Service personnel" means the commissioned, appointed, enrolled, and enlisted personnel of the Navy, Marine Corps, and Coast Guard, respectively.

(d) "Navy service personnel" includes, also, the service personnel of the Coast Guard and personnel of the Coast and Geodetic Survey and Public Health Service serving under the immediate command of an officer of the Navy.

(e) "Coast Guard service personnel" includes, also, the service personnel of the Navy serving under the immediate command of an officer of the Coast Guard.

(f) "Civilian personnel" means, in addition to other employees of the Naval Establishment, those paid on a contract basis.

(g) "Such articles as are required to be possessed and used" means with respect to service personnel, such articles as are required to be possessed by service personnel by regulations in force at the time of the loss, damage, or destruction; and means with respect to civilian personnel, such articles as the Judge Advocate General of the Navy shall determine to have been necessary to the employment in which the claimant was engaged at the time of the loss, damage, or destruction, and shall constitute, generally, articles of clothing and accessories comparable in number and in quality to those required to be possessed by service personnel.

(h) "Such additional items of personal property, including money or currency," means with respect to both service personnel and civilian personnel, such other articles, and such amounts of money deposited for safekeeping as provided in instructions issued under § 14.11, as the

Chief of Naval Personnel, the Commandant of the Marine Corps, the Commandant, U. S. Coast Guard, and the Judge Advocate General of the Navy, respectively, shall determine to have been reasonably and properly in the place where they were lost, damaged, or destroyed in consequence of the service or employment in which the claimant was employed.

(i) "Dependent relative" means the widow of the person entitled to reimbursement under subject act, but if there be no widow then the child or children of the deceased person who are under twenty-one years of age and unmarried. If the deceased person leaves no widow, and no child under the age of twenty-one years and unmarried, "dependent relative" means any relative of the deceased person whom the Chief of Naval Personnel, the Commandant of the Marine Corps, the Commandant, U. S. Coast Guard, or the Judge Advocate General of the Navy determines was dependent upon the deceased person.

§ 14.2 *Navy service personnel*—(a) *Claims.* The Chief of Naval Personnel; the Commandant of each Naval District; the Commandant, Naval Operating Base, Casablanca; the Commandant, Naval Operating Base, Oran; the Commander, Southwest Pacific; the Commander, South Pacific; the Commander, Service Force, South Pacific; the Commander, South Atlantic; the Commander, Naval Forces in Europe; the Commander, Naval Forces, North African Waters; the Commander, Landing Forces, North African Waters; the Commander, Amphibious Forces, North African Waters, respectively, and the respective Chiefs of Staff and/or legal officers of the said Commandants and Commanders are hereby designated and authorized to consider ascertain, adjust, and determine claims for reimbursement in cash filed under the provisions of subject act by Navy service personnel. Officers of or above the rank of commander who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in this paragraph, or (3) senior officers present, are hereby designated and authorized to consider, ascertain, adjust, and determine claims for reimbursement in kind filed under the provisions of subject act by Navy enlisted personnel.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Paymaster General of the Navy, or by disbursing officers, from the appropriation "Pay, Subsistence and Transportation, Navy" or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel.

§ 14.3 *Marine Corps service personnel*—(a) *Claims.* The Commandant of the Marine Corps is hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under the provisions of subject Act by Marine Corps service personnel.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Paymaster, Marine

Transportation  
and Railroads

Corps, from the appropriation "Pay, Marine Corps" or by reimbursement in kind by the Quartermaster, Marine Corps, as provided in instructions issued by the Commandant of the Marine Corps.

**§ 14.4 Coast Guard service personnel—(a) Claims.** The Chief of the Military Morale Division, Coast Guard Headquarters; all District Coast Guard officers; and the Commander, Greenland Patrol, are hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under the provisions of subject Act by Coast Guard service personnel.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by disbursing officers from the appropriation "Pay and Allowances, Coast Guard" or by reimbursement in kind by clothing officers or supply officers, as provided in instructions issued by the Commandant, U. S. Coast Guard.

**§ 14.5 Civilian personnel—(a) Claims.** The Judge Advocate General of the Navy is hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under the provisions of subject Act by civilian personnel of the Navy, Marine Corps, and Coast Guard, respectively.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Paymaster General of the Navy from the appropriation "Naval Emergency Fund" or from such other appropriation as may be made available for this purpose or by reimbursement in kind, as provided in instructions issued by the Judge Advocate General of the Navy.

**§ 14.6 Separation from service.** Separation from the service or the Naval Establishment shall not bar service personnel or civilian employees, respectively, from filing claims, or bar the authority of the designated officers to consider, ascertain, adjust, determine, and pay claims otherwise falling within the provisions of subject act which accrued prior to such separation.

**§ 14.7 Death of claimant.** In the event of the death of any person entitled to reimbursement under subject act, whether such death occurs prior or subsequent to the time of the loss, damage, or destruction, reimbursement for such loss, damage, or destruction may be made to a dependent relative of such deceased person.

**§ 14.8 Limitations on time for filing claims.** Claims arising on or before October 27, 1943, shall be presented within two years of that date; claims arising subsequent to October 27, 1943, shall be presented within two years from the occurrence of the loss, destruction, or damage, except that any person missing who is not willfully absent, or any person who is a prisoner in the hands of the enemy, or who is interned in a neutral country, shall in addition be allowed one year from the time of return to the jurisdiction of the United States in which to file such claim.

**§ 14.9 Appeals.** Any claimant may appeal to the Secretary of the Navy for a review of the adjustment or determination of his claim. Such appeal shall be made in writing and shall be submitted through official channels.

**§ 14.10 Claims previously settled.** Claims which have been settled under the terms of a previously existing law shall be regarded as finally determined and no other or further right of recovery under the provisions hereof shall accrue to persons whose claims have been so settled.

**§ 14.11 Authorization for issuance of instructions.** The Chief of Naval Personnel, the Commandant of the Marine Corps, the Commandant, U. S. Coast Guard, and the Judge Advocate General of the Navy, respectively, are hereby authorized to issue such instructions not in conflict with these regulations as may be deemed necessary from time to time to give full force and effect to the purposes of subject act.

FRANK KNOX,  
Secretary of the Navy.

[F. R. Doc. 43-20062; Filed, December 17, 1943;  
9:12 a. m.]

1943, that the aforesaid requirements contained in section 353 (b) of the Communications Act of 1934, as amended, and in § 13.61 (c) (3) and (d) (2) of the Rules and Regulations be, and the same are hereby, suspended for a further period beginning January 1, 1944, and ending June 30, 1944.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE, Secretary.

[F. R. Doc. 43-20064; Filed, December 17, 1943;  
9:52 a. m.]

## TITLE 49—INTERSTATE COMMERCE COMMISSION

### Chapter I—Interstate Commerce Commission

#### PART 181—COMMON AND CONTRACT CARRIERS OF PASSENGERS<sup>1</sup>

##### UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of December A. D., 1943.

The Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, issue of 1937 (Part 181 of Title 49, Code of Federal Regulations), and the order of the Commission dated November 29, 1937, prescribing said system being under consideration by the Division, pursuant to the authority of section 220 of the Interstate Commerce Act, and the Division having found need for modifications and amendments therein:

*It is ordered,* That the second and third ordering paragraphs of said order of November 29, 1937, be and they are hereby modified and superseded to the extent that the following is substituted therefor:

That each Class I common and contract motor carrier of passengers, as such carriers are classified in the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, as hereinafter modified and amended<sup>2</sup> and each receiver, trustee, executor, administrator, or assignee of any such carrier, is hereby required to comply with said amended system of accounts; and said amended system of accounts is prescribed for use in the keeping and recording of their accounts by such Class I common and contract motor carriers of passengers; and each such carrier and each and every receiver, trustee, executor, administrator, or assignee of such motor carrier is required to keep all accounts in conformity therewith.

*It is further ordered,* That the Uniform System of Accounts prescribed and approved by the said order of November 29, 1937, be modified and amended as provided in the "Modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers

<sup>1</sup>This order affects § 181.00-1 (b) (c).

<sup>2</sup>Filed as part of the original document.

of Passengers" hereto attached and made a part of this order and as so modified and amended be and is hereby approved and adopted and made a part of this order.

*It is further ordered,* That this order shall become effective January 1, 1944.

*And it is further ordered,* That a copy of this order shall be served upon every Class I motor carrier of passengers and every receiver, trustee, executor, administrator, or assignee of any such carrier; and that notice of this order be given the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-20110; Filed, December 17, 1943;  
11:11 a. m.]

#### PART 182—COMMON AND CONTRACT CARRIERS OF PROPERTY<sup>1</sup>

##### UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of December, A. D. 1943.

The Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, issue of 1937 (Part 182 of Title 49, Code of Federal Regulations), and the order of the Commission dated November 29, 1937, prescribing said system being under consideration by the Division, pursuant to the authority of section 220 of the Interstate Commerce Act, and the Division having found need for modifications and amendments therein:

*It is ordered,* That the second and third ordering paragraphs of said order of November 29, 1937, be and they are hereby modified and superseded to the extent that the following is substituted therefor:

That each Class I common and contract motor carrier of property, as such carriers are classified in the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, as hereinafter modified and amended<sup>2</sup>; and each receiver, trustee, executor, administrator, or assignee of any such carrier, is hereby required to comply with said amended system of accounts; and said amended system of accounts is prescribed for use in the keeping and recording of their accounts by such Class I common and contract motor carriers of property; and each such carrier and each and every receiver, trustee, executor, administrator, or assignee of such motor carrier is required to keep all accounts in conformity therewith.

*It is further ordered,* That the Uniform System of Accounts prescribed and approved by the said order of November

29, 1937, be modified and amended as provided in the "Modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property" hereto attached and made a part of this order and as so modified and amended be and is hereby approved and adopted and made a part of this order.

*It is further ordered,* That this order shall become effective January 1, 1944.

*And it is further ordered,* That a copy of this order shall be served upon every Class I motor carrier of property and every receiver, trustee, executor, administrator, or assignee of any such carrier; and that notice of this order be given the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-20111; Filed, December 17, 1943;  
11:11 a. m.]

#### Notices

##### CIVIL AERONAUTICS BOARD.

[Docket No. 833]

##### CHICAGO AND SOUTHERN AIR LINES, INC.

###### NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for Chicago and Southern Air Lines, Inc., over routes Nos. 8 and 53.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of the act, in the above-entitled proceeding, that hearing is assigned for December 20, 1943, at 10 a. m. (eastern war time) in Room 5417 Commerce Building, Washington, D. C.

Dated Washington, D. C., December 15, 1943.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMES,  
Secretary.

[F. R. Doc. 43-20065; Filed, December 17, 1943;  
10:32 a. m.]

##### FEDERAL TRADE COMMISSION.

[Docket No. 4878]

##### CHAIN INSTITUTE, INC., ET AL.

##### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered,* That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding as herein-after set forth, and to perform all other duties authorized by law;

*It is further ordered,* That a preliminary hearing be scheduled to begin Monday, January 17, 1944, at two o'clock in the afternoon of that day (eastern standard time), in Room 532, Federal Trade Commission Building, Washington, D. C., for the sole purpose of establishing a record of identification, authenticity and genuineness of documentary evidence; that no hearings, except as hereinbefore provided, for the taking of testimony on the complaint herein shall be held until further notice, such notice to be given in accordance with the Commission's rules of practice.

By the Commission.

[SEAL]

WILLIAM L. HAIGH,  
Acting Secretary.

[F. R. Doc. 43-20076; Filed, December 17, 1943;  
11:01 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[General Permit 5 Under S. O. 164]

##### COMMON CARRIERS BY RAILROAD REICING OF TANGERINES AND OTHER CITRUS FRUITS FROM FLORIDA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a mixed shipment of tangerines and other citrus fruits originating at any point or points in the State of Florida: *Provided*, That the tangerines in the car comprise not less than fifty (50) percent of the lading: *And further provided*, That the waybills shall show reference to this general permit.

This general permit shall become effective at 12:01 a. m., December 12, 1943, and shall expire at 12:01 a. m., December 27, 1943.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of December 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-20075; Filed, December 17, 1943;  
11:01 a. m.]

<sup>1</sup> This order affects § 182.00-1 (b) (c).

<sup>2</sup> Filed as part of the original document.

## FEDERAL REGISTER, Saturday, December 18, 1943

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2707]

## EUGINIO MARRACCINI AND EVA MARRACCINI

In re: Interest in real property located in Portland, Oregon, contract of sale, bank account and insurance policy owned by Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, is San Lorenzo la Vaccoli, Lucca, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, and each of them, in and to a certain land contract entered into between Santino Marraccini, as Vendor, and Louis Marraccini and Mary Marraccini, his wife, as Vendees, dated November 24, 1937, wherein in consideration of certain payments, the Vendor agrees to convey title to certain real estate, which contract was distributed to Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, in the Matter of the Estate of Santino A. Marraccini, deceased, and

b. All right, title and interest both legal and equitable of Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, and each of them in and to the real property covered by said contract, situated in Portland, Oregon, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, and interest of Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, and each of them, in and to fire insurance policy No. 780903, issued by the Indiana Lumbermens Mutual Insurance Company of Indianapolis, Indiana, insuring the premises described in subparagraph 3-b hereof, and

d. All right, title, interest and claim of Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, and each of them, in and to the sum of \$500, constituting a portion of a certain savings account in the First National Bank of Portland, Portland, Oregon, which is due and owing to, and held for Euginio Marraccini, also known as Eugenio Marraccini, and Eva Marraccini, his wife, in the name of Virgilio Papini, Agent, including but not limited to all security rights in and to any and all collateral for any or all of such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in sub-paragraphs 3-c and 3-d above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and

3-b above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-a, 3-c and 3-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All of that part of Lots 3 and 4 in Block 130 Caruther's Addition to the City of Portland, as laid out by the South Portland Real Estate Association, within the corporate limits of the City of Portland, County of Multnomah and State of Oregon, lying Southwesterly of SW Barbur Boulevard; except that part of Lot 3 described as follows: Beginning at a point 14 feet South of the Northwest corner of Lot 3; thence North 14 feet; thence East along the Northerly boundary of said lot, 35.74 feet to what is commonly known as Gibbs Street Drive; thence South along the Westerly boundary of said Drive, 10 feet; thence to the point of beginning in the City of Portland, County of Multnomah and State of Oregon.

[F. R. Doc. 43-20081; Filed, December 17, 1943;  
10:53 a. m.]

[Vesting Order 2719]

## GIUSEPPE AZZARETTI

In re: Bond and mortgage, and bank account owned by Giuseppe Azzaretti, also known as Joe Azzaretti.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Giuseppe Azzaretti, also known as Joe Azzaretti, is Varzi, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Giuseppe Azzaretti, also known as Joe Azzaretti, is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. A mortgage executed on January 2, 1918 by Pietro Ferrughelli and recorded on March 30, 1918 in the Office of the Clerk of the County of Suffolk, New York, in Liber 451 of Mortgages, Page 538, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations, and

b. All right, title, interest and claim of Giuseppe Azzaretti, also known as Joe Azzaretti, in and to the sum of \$500, constituting a portion of a certain bank account in the Manufacturers Trust Company, New York, New York, which is due and owing to, and held for and in the name of Giuseppe Azzaretti, including but not limited to all security rights in and to any and all collateral for any and all of such portion of said account, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not

be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20082; Filed, December 17, 1943;  
10:53 a. m.]

[Vesting Order 2720]

EMI BORNEMANN, ET AL.

In re: Real property situated in Charleston, South Carolina and bank account owned by Emi, Frances and Harry Bornemann.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Emi Bornemann, Frances Bornemann and Harry Bornemann are 102-A Reichs Strasse, Bremen, Germany, 153 Park Allee Bremen, Germany and 153 Park Allee, Bremen, Germany, respectively, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Emi Bornemann, Frances Bornemann and Harry Bornemann are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided one-half interest in real property situated in the City and County of Charleston, South Carolina, particularly described in Exhibit A attached hereto and by reference made a part hereof, identified as the undivided one-half interest in that certain real property conveyed by F. K. Myers, Master in and for the County of Charleston, South Carolina to Clarence B. Schachte by a certain deed recorded in Book Y-36, Page 71 Register Mesne Conveyance Office, Charleston County, State of South Carolina, on July 5, 1933, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain bank account with the Citizens and Southern National Bank, Charleston, South Carolina, maintained in the name of "Clarence B. Schachte for account of Emi, Frances and Harry Bornemann", which account is due and owing to and held for Emi, Harry and Frances Bornemann, and any and all security rights in and to any and all collateral for all or part of such obligation, and the right to enforce and collect such obligation,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order.

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

All that lot of land with the buildings thereon, situate, lying and being on the west side of King Street, between Clifford and Queen Streets, in the City of Charleston and State aforesaid. Measuring and containing in front on King Street twenty-nine (29) feet, and in depth from east to west one hundred thirty-four (134) feet, be the said dimensions more or less. Butting and Bounding to the east on King Street, north on land now or formerly of Dr. Harris, west on lands now or formerly of Edgar Levy, and south on land formerly of Martha Clifford. Being a portion of the lot conveyed by James W. Gray, Master, to James Vidal, trustee, of Mrs. Theresa Levy by deed dated 20th Nov. 1868, and recorded in

the R. M. C. Office for Charleston County in Book A No. 14, page 761.

Also: All that piece, parcel or lot of land adjoining the lot last above described, and now forming a part thereof, situate, lying and being on the north side of Clifford Alley in the City and County of Charleston, and State aforesaid. Measuring and Containing from east to west on said Alley thirty-three (33) feet, and from north to south fifteen (15) feet eight (8) inches. Butting and Bounding North on land of the Trust Estate of Therese Levy (being lot hereinbefore conveyed), east on land now or formerly of Edgar Levy, and south on said Clifford Alley. Being the premises conveyed by Edgar Levy to Samuel Weiskopf, trustee of Therese Levy, by deed dated 30th August, 1889, and recorded in the R. M. C. Office, Charleston County, in Book W-20, page 394.

Together with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining; and all the estate, right, title, claim and interest whatsoever, of the parties to the cause aforesaid, and of each of them, in and to the same; and of all other persons rightfully claiming from, under, or by these or any of them.

[F. R. Doc. 43-20083; Filed, December 17, 1943;  
10:53 a. m.]

[Vesting Order 2722]

In re: Interests in real property, property insurance policies and a bank account owned by Brigitte de Pietro, also known as Brighetta de Pietro.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Brigitte de Pietro, also known as Brighetta de Pietro, is a resident of Italy and a national of a designated enemy country (Italy);

2. That Brigitte de Pietro, also known as Brighetta de Pietro, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided one-third interest, identified as the interest which was inherited from Nicola Pallotti, as certified in the certificate issued on February 1, 1924, by the Clerk of the Court of Probate for the District of Hartford in the State of Connecticut, recorded in the Office of the Town Clerk of Hartford, Connecticut, in Hartford Land Records, Volume 555, Page 254, in and to the real property situated in the City of Hartford in the County of Hartford and State of Connecticut, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Brigitte de Pietro, also known as Brighetta de Pietro, in and to public liability insurance policy #7-L-10489 and workmen's compensation insurance policy #7C7937, issued by the Aetna Casualty and Surety Company, Hartford, Connecticut, insuring the real property described in Exhibit A, attached hereto and by reference made a part hereof, and

c. All right, title and interest of Brigitte de Pietro, also known as Brighetta de Pietro, in and to fire and demolition insurance policy #318023 and fire insurance policy #276410, issued by the Orient Insurance Company, Hartford, Connecticut, fire in-

surance policy #7571, issued by the Hartford Fire Insurance Company, Hartford, Connecticut; and glass insurance policy #P-257440, issued by the Ocean Accident and Guarantee Corporation, Ltd., New York, New York, insuring certain improvements to the premises described as Parcel 1 in Exhibit A, attached hereto and by reference made a part hereof, and

d. All right, title, interest and claim of Brigetta de Pietro, also known as Brighetta de Pietro, in and to a certain bank account in the Riverside Trust Company of Hartford, Connecticut, which is due and owing to and held for Brigetta de Pietro, also known as Brighetta de Pietro, Felicia M. Andretta and Francis A. Pallotti in the name of "Riverside Trust Company, Attorney for Brigetta de Pietro, Felicia M. Andretta and Francis A. Pallotti, Heirs of Nicholas Pallotti", including but not limited to all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-b, 3-c, and 3-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b, 3-c and 3-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

All those pieces or parcels of land situated in the City of Hartford, in the County of Hartford and State of Connecticut, more particularly described as follows:

*Parcel No. 1:* A certain piece or parcel of land with all buildings thereon known as Nos. 34-36, 38, 36½, 38½ Village Street, bounded and described as follows: North on land now or formerly of Nicola Pinto, et al; and by land of O. Fitch, partly on each; East by land of A. J. Levinson, and by other land of said Nicholas Pallotti, and by land now or formerly of L. Dunn, et al, partly on each, in all, 82 feet; Southerly by land now or formerly of Antonio Andretta, 253 feet; and West by Village Street, about 94 feet, together with all rights, easements, and ownership in fee, in the gangway on the north of the premises described.

*Parcel No. 2:* A certain piece or parcel of land, with all buildings thereon, known as No. 4 Marsh Court, bounded and described as follows: South on Marsh Court, 55½ ft.; West by land of Antonio Andretta 36½ ft.; North by land of Antonio Andretta, and by other land of said Nicholas Pallotti, 36½ ft.

*Parcel No. 3:* A certain piece or parcel of land, with all buildings thereon, known as No. 6 Marsh Court, bounded and described as follows: South by Marsh Court, 35 ft., 9 inches; West by other land of Nicholas Pallotti, and by land of Antonio Andretta, partly by each, in all, 94 feet, 3 inches; North by land of Nicholas Pallotti, 30 ft., 4 inches; and Easterly, running on the south line of land now or formerly of Thomas M. Day, 53 ft., 6 inches, then east on said land 4 feet, 4 inches, thence south on land now or formerly of Rocco Calabrese, 41 feet, 9 inches.

[F. R. Doc. 43-20084; Filed, December 17, 1943;  
10:53 a. m.]

[Vesting Order 2723]

FORTUNATA CARINA

In re: Real property, fire insurance policy, public liability insurance policy and claim, owned by Fortunata Carina, also known as Fortunata De Rosa.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation finding:

1. That the last known address of Fortunata Carina, also known as Fortunata De Rosa, is Naples, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Fortunata Carina, also known as Fortunata De Rosa, is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Brooklyn, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Fortunata Carina, also known as Fortunata De Rosa, in

and to fire insurance policy No. 662540, issued by Royal Insurance Company, 150 William Street, New York, New York, insuring the premises described in subparagraph 3-a hereof, and

c. All right, title and interest of Fortunata Carina, also known as Fortunata De Rosa, in and to public liability insurance policy No. 58911, issued by Great American Indemnity Company, 1 Liberty Street, New York, New York, insuring the premises described in subparagraph 3-a hereof, and

d. All right, title, interest and claim, of any name and nature whatsoever, of Fortuna Carina, also known as Fortunata De Rosa, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to said Fortunata Carina by Davenport, Richardson, & Glimm, Inc., 52 Willoughby Street, Brooklyn, New York, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the properties described in subparagraphs 3-b, 3-c and 3-d hereof are necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order.

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b, 3-c and 3-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, Kings County, City and State of New York bounded and described as follows:

Beginning at a point on the southerly side of 70th Street distant two hundred and thirty (230') feet easterly from the corner formed by the intersection of the southerly side of 70th Street with the easterly side of 14th Avenue, running thence southerly parallel with 14th Avenue, one hundred (100') feet, thence easterly and parallel with 70th Street, twenty (20') feet, thence northerly again parallel with 14th Avenue, one hundred (100') feet to the southerly side of 70th Street and thence westerly along said southerly side of 70th Street twenty (20') feet to the point or place of beginning.

Together with the appurtenances of all the estate and rights of the party of the first part in and to said premises.

[F. R. Doc. 43-20085; Filed, December 17, 1943;  
10:53 a.m.]

## [Vesting Order 2724]

YOTARO FUJINO

In re: Real properties, bank accounts and claims owned by Yotaro Fujino.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Yotaro Fujino, also known as Yootaro Fujino, is Tokyo, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Kaname Fujino, a citizen of the United States residing at Honolulu, Territory of Hawaii, is acting or purporting to act directly or indirectly for the benefit, or on behalf of, Yotaro Fujino, a national of a designated enemy country (Japan), who is at present within such designated enemy country, and that the said Kaname Fujino is a national of a designated enemy country (Japan);

3. That Yotaro Fujino is the beneficial owner of the real property described in subparagraph 5-a hereof, held in the name of Kaname Fujino, and that Yotaro Fujino is the owner of the property described in subparagraphs 5-b and 5-c hereof;

4. That Kaname Fujino is the record owner of the real property described in subparagraph 5-a hereof;

5. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title, interest and claim of Yotaro Fujino in and to those two savings accounts in the Yokohama Specie Bank, Ltd., Honolulu, Territory of Hawaii, which are due and owing to, and held for Yotaro Fujino, in the names of Oahu Lumber & Hardware

Company (Receiver's Claim No. 2083) and Oahu Junk Company, Ltd. (Receiver's Claim No. 2081), including but not limited to all security rights in and to any and all collateral for any and all of such accounts, and the right to enforce and collect the same, and

c. Those certain promissory notes in the amounts of \$20,000, \$11,700 and \$11,700, executed on December 5, 1940 by Kaname Fujino, a minor, by Tokuchi Tsuda and Yasuo (Harry Y.) Tsutsumi, his attorneys in fact, Katsue Fujiki and Shizue Maneki, respectively, which are now in the possession of Tokuchi Tsuda and Yasuo (Harry Y.) Tsutsumi, and any and all obligations evidenced by said promissory notes, including but not limited to all security rights in and to any and all collateral (including the shares of capital stock of Oahu Junk Company, Ltd. issued to Kaname Fujino, Katsue Fujiki and Shizue Maneki and pledged to secure the payment of the aforesaid notes) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 5-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 5-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And determining that to the extent Kaname Fujino is the owner of record of the real property described in subparagraph 5-a hereof, he is controlled by, or acting for or on behalf of, Yotaro Fujino, a national of a designated enemy country (Japan), who is a person within such country:

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 5-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 5-b hereof, subject to any and all valid claims of the Oahu Junk Company, Ltd. against the same, and hereby vests in the Alien Property Custodian the property described in subparagraph 5-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All those tracts or parcels of land situated in the City and County of Honolulu, Territory of Hawaii, particularly described as follows:

## First parcel of land

All that certain parcel of land (portion of the land described in Royal Patent 688, Land Commission Award 1239, Apana 2, to Pine) situate at Kapalama, Honolulu aforesaid, and thus bounded and described:

Beginning at the South corner of King Street and a lane leading to the Former Japanese Hospital, and running as follows:

1. S. 33°10' E. true 112 feet along King Street;
2. S. 63° W. true 150 feet along remaining portion of Apana 2, R. P. 688 to Pine;
3. N. 23°35' W. true 102 feet along Japanese Hospital;
4. Thence to the initial point, along lane 132.5 feet.

Containing an area of 15,000 square feet, or thereabouts, and being the land conveyed to the mortgagor by Lam Shee, by deed dated August 3, 1926, and recorded in the Bureau of Conveyances at Honolulu in Book 842, page 4.

## Second parcel of land

All that certain parcel of land (portion of the land described in Land Commission Award 2222, Apana 3, to Kapalu) situate at Kapalama, Honolulu aforesaid, and thus bounded and described:

Beginning at a 1" galvanized iron pipe, at the North corner of this lot and the west corner of Lot No. 3, the coordinates of said point of beginning referred to Government Survey Trig. Station "Punchbowl" being 5142.6 feet north and 7246.2 feet west, and running by true azimuths and distances:

1. 33°10' 114.8 feet along Lot 3 to a 1" galvanized iron pipe;
2. 62°19' 107.9 feet along Lot 1 to a 1" galvanized iron pipe;

3. 146°45' 115.2 feet along fence, along B. P. Bishop Estate to a 1" galvanized iron pipe;

4. 242°19' 122.8 feet along fence, along L. C. A. 1917, Apana 1, to Hiki, to Nieper, to the point of beginning.

Containing an area of 13,234 square feet, or thereabouts, and being the land conveyed to the mortgagor by Sano Danjo, by deed dated March 1, 1923, and recorded in said Bureau in Book 671, page 319.

## Third parcel of land

All that certain parcel of land (portion of the land described in Royal Patent 2082, Land Commission Award 2222, Apana 3 to Kapalu) situate at Kapalama, Honolulu aforesaid, and thus bounded and described:

## FEDERAL REGISTER, Saturday, December 18, 1943

Beginning at a 1 in. galv. iron pipe, at the North corner of this lot and the East corner of Lot No. 3, the coordinates of said point of beginning referred to City and County Survey Trig. Station "Punchbowl" being 5045.3' North and 7214.7' West and running by true azimuths and distances:

1.  $334^{\circ}20'$  115.4 feet along fence, along L. C. A. #1239 to Pine, to J. H. Schnack, to a post;

2.  $61^{\circ}24'$  102.4 feet along L. C. A. #4455 Ap. 1 to Kaaloa, to a 1 $\frac{1}{4}$  in. galv. iron pipe in concrete;

3.  $148^{\circ}45'$  117.7 feet along fence, along B. P. Bishop Estate to a 1-in. galv. iron pipe;  
4.  $242^{\circ}19'$  117.9 feet along Lots #2 and #3 to the point of beginning.

Containing an area of 12,810 square feet, or thereabouts, and being the land conveyed to the mortgagor by Jirokichi Fujiyoshi, by deed dated October 5, 1933, and recorded in said Bureau in Book 1219, page 193.

*Fourth parcel of land*

All that certain parcel of land (portion of the land described in Royal Patent 1506, Land Commission Award 2319, Apana 2 to Nawai) adjoining the Kailhi Branch of the Oahu Railway & Land Co.'s 40 foot Right of Way, Southeasterly from Waikamilo Road at Kapalama, Honolulu aforesaid, and thus bounded and described:

Beginning at a pipe at the South corner of this piece of land, on the Northeast side of the Oahu Railway and Land Company's 40 foot Right of Way (Kailhi Branch) the coordinates of said point of beginning referred to Government Survey Triangulation Station "Mokauaea" being 5541.20 feet South and 1710.02 feet West and running by true azimuths:

1.  $146^{\circ}07'$  60.22 feet along Oahu Railway and Land Company's 40 foot Right of Way (Kailhi Branch) to a pipe in concrete;

2.  $155^{\circ}40'$  63.85 feet along Section "Z" of Land Court Application 750 to a pipe in concrete;

3.  $243^{\circ}02'$  136.70 feet to a pipe in concrete;  
4.  $325^{\circ}00'$  168.70 feet along Section "Y" of Land Court Application 750 to a pipe in concrete;

5.  $78^{\circ}23'$  161.62 feet to the point of beginning.

Containing an area of 21,224 square feet, or thereabouts, and being the land conveyed to the mortgagor by Bishop Trust Company, Limited, Trustee, by deed dated January 28, 1933, and recorded in said Bureau in Book 1192, page 464.

*Fifth parcel of land*

All that certain parcel of land (portion of the land described in L. C. A. 7714-B, Apana 7 to Moses Kekualwa; R. P. 2145 L. C. A. 2319, Part 2, Apana 2 to Nawai) situate at Kapalama, Honolulu aforesaid, and bounded and more particularly described as follows:

Beginning at a point on the Easterly boundary of this piece of land and the Westerly side of the Oahu Railway and Land Company's 40-foot Right of Way, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 4,739.4 feet North, 7,605.9 feet West, and the true azimuth and distance to a 1 $\frac{1}{4}$  inch pipe set in concrete monument on the East line of L. C. A. 8515, Apana 1 to Keoni Ana, being  $326^{\circ}07'$  429.00 feet, and running by true Azimuths:

1.  $81^{\circ}25'$  20.30 feet along portion of Kapalama owned by the Andrews Estate;

2.  $357^{\circ}10'$  72.00 feet along same;

3.  $333^{\circ}10'$  98.50 feet along same;

4.  $69^{\circ}15'$  69.50 feet along L. C. A. 8515, Apana 1 to Keoni Ana to a pipe in concrete;

5.  $151^{\circ}00'$  96.00 feet along Kapalama to a pipe in concrete;

6.  $66^{\circ}15'$  134.00 feet along same to a pipe in concrete;

7.  $161^{\circ}10'$  62.50 feet along L. C. A. 1730, Apana 2, Kilauea;  
8.  $228^{\circ}00'$  50.00 feet along same;

9.  $136^{\circ}05'$  55.00 feet along same;

10.  $79^{\circ}20'$  36.00 feet along same;

11.  $152^{\circ}30'$  50.00 feet along L. C. A. 1731, Apana 1, to Kaaua;

12.  $241^{\circ}30'$  52.00 feet along same;

13.  $166^{\circ}00'$  147.00 feet along same;

14.  $245^{\circ}00'$  130.00 feet along L. C. A. 1730, Apana 1, to Kilauea;

15.  $326^{\circ}07'$  283.00 feet along the Westerly side of the Oahu Railway and Land Company's 40-foot Right of Way to the point of beginning and containing an area of 1.63 acres, or thereabouts.

Being the land conveyed to the mortgagor by Watson Ballentyne, by deed dated October 28, 1936, and recorded in said Bureau in Book 1348, page 261.

*Sixth parcel of land*

All that certain parcel of land situate at Kapalama, City and County of Honolulu, said Territory, described as follows:

Lot Twenty-five-C (25-C), area 3,028.0 square feet, of Section C, as shown on Map 3, filed in the Office of the Assistant Registrar of the Land Court of the Territory of Hawaii with Land Court Application No. 750 of the Trustees under the will and of the estate of Bernice P. Bishop, deceased, and being all of the land comprised in Transfer Certificate of Title No. 17,544 issued to the mortgagor.

[F. R. Doc. 43-20086; Filed, December 17, 1943; 10:54 a.m.]

## [Vesting Order 2725]

BARBARA HERZ

In re: Real property, and an interest in real property, located in Multnomah County, Oregon, and a bank account, owned by Barbara Herz, also known as Betta Herz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Barbara Herz, also known as Betta Herz, is 24 Cuvillees, Munich, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Barbara Herz, also known as Betta Herz, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Multnomah County, Oregon, particularly described as the South  $\frac{1}{2}$  of Southwest  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$  of Northeast  $\frac{1}{4}$  of Section 19, Township 1 North, Range 2 East of Willamette Meridian, excepting the North 100 feet thereof, containing 3.48 acres, more or less, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property;

b. All right, title, interest and estate, both legal and equitable, of Barbara Herz, also known as Betta Herz, in and to the real property situated in the City of Portland, County of Multnomah, Oregon, particularly described as Lots 1 and 2, Block 61 Stephens Addition to East Portland, except portions thereof which have been taken for the widening of Grand Avenue, now SE Grand Avenue, and Hawthorne Avenue, now SE Hawthorne Boulevard, together with all fixtures, improvements and appurtenances thereto, and any and all claims of the above named national for rents, refunds, benefits

or other payments arising from the ownership of such property, and

c. That certain bank account with the First National Bank, Portland, Oregon, maintained in the name of "Joseph W. Heiler, Agent", which account is due and owing to and held for Barbara Herz, also known as Betta Herz, and any and all security rights in and to any and all collateral for all or part of such obligation, and the right to enforce and collect such obligation,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-a and 3-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-c hereof;

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20087; Filed, December 17, 1943; 10:54 a. m.]

[Vesting Order 2727]

## RICHARD FRANZ METZNER

In re: Bonds and mortgages, bank account and property insurance policies owned by Richard Franz Metzner.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Richard Franz Metzner is 18 Abekenstrasse, Dresden, Germany and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Richard Franz Metzner is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. All those certain mortgages executed on November 21, 1921 by Robert B. Graham, as mortgagor, in favor of Ida Louise Frotscher, as mortgagee, and recorded on November 28, 1921 in the Office of the Recorder of Deeds for Philadelphia County, Pennsylvania in:

Mortgage Book JMH, No. 2336, Page 72,  
Mortgage Book JMH, No. 2227, Page 418,  
Mortgage Book JMH, No. 2355, Page 70,  
Mortgage Book JMH, No. 2241, Page 300,  
Mortgage Book JMH, No. 2336, Page 69,  
Mortgage Book JMH, No. 2355, Page 73,  
Mortgage Book JMH, No. 2227, Page 425,  
Mortgage Book JMH, No. 2336, Page 79,  
Mortgage Book JMH, No. 2336, Page 75.

which mortgages were assigned to Richard Franz Metzner on January 16, 1936 by instrument of assignment recorded on February 20, 1936 in the Office of the Recorder of Deeds for Philadelphia County, Pennsylvania, in Assignment of Mortgage Book No. 1368, Page 510, and any and all obligations secured by said mortgages, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations.

b. All right, title and interest of Richard Franz Metzner in and to the following fire insurance policies: Policies Nos. 541513, 541515, 541516, 541518, 541522 and 541780 issued by the Pennsylvania Fire Insurance Company; Policy No. 30486 issued by the Northern Assurance Company, Ltd.; Policy No. 670510 issued by the Fire Association of Philadelphia; Policy No. 219536 issued by the American Insurance Company, which policies insure the premises covered by the mortgages described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of Richard Franz Metzner in and to that certain agency account with the Fidelity-Philadelphia Trust Company, Philadelphia, Pennsylvania identified as Agency Account No. 31835, which is due and owing to, and held for and in the name of Richard Franz Metzner, including but not limited to all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.[F. R. Doc. 43-20089; Filed, December 17, 1943;  
10:54 a. m.]

[Vesting Order 2728]

WILLIAM MUTTACH AND MATHILDA  
MUTTACH

In re: Real property owned by the heirs of William Muttach and Mathilda Muttach, also known as Matilda Muttach, both deceased.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons other than Otto Schmid and Karl Schmid, whose names and last known addresses appear in Exhibit B, attached hereto and by reference made a part hereof, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That the persons whose names and last known addresses appear in Exhibit C, attached hereto and by reference made a part hereof, are residents of Germany and are nationals of a designated enemy country (Germany);

3. That the persons whose names appear in Exhibits B and C, attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 4 hereof;

4. That the property described as follows: The undivided five-sixth interest in and to the real property situated in Philadelphia County, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, identified as the interest which was inherited from William Muttach and Mathilda Muttach, both deceased, by the persons whose names and respective interests appear in Exhibits B and C, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that Otto Schmid and Karl Schmid are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall

## FEDERAL REGISTER, Saturday, December 18, 1943

have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that tract or parcel of land situated in the City and County of Philadelphia, Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the buildings and improvements thereon erected situate at the Southwest corner of Nineteenth Street, No. 534 and Wilcox Street in the 15th Ward of the said City of Philadelphia containing in front or breadth on the said Nineteenth Street eighteen feet and extending in length or depth Westward of that width along the South side of Said Wilcox Street ninety-three feet ten inches bounded on the North by said Wilcox Street on the East by the said Nineteenth Street on the South partly by ground now or late of James M. Keenan and partly by ground now or late of Alexander Smith and on the West by ground now or late of Morris E. Affleck.

## EXHIBIT B—HEIRS-AT-LAW OF MATHILDA MUTTACH, ALSO KNOWN AS MATILDA MUTTACH, DECEASED

Christian Breitenbucher, Langestr., 41 a,	
Aalen, Wrttbg., Germany	1/3
Katharine Fink, Gartenstr. 15, Goeppingen, Germany	1/15
Otto Schmid, Valhallavagen 22, Stockholm, Sweden	1/15
Robert Schmid, Aalen, Wrttbg., Germany	1/15
Mathilde Denk, Hoechstadt a. d. Aisch, Germany	1/15
Karl Schmid, Unknown	1/15
Total	1/2/3

\* Of an undivided one-half interest.

## EXHIBIT C—HEIRS-AT-LAW OF WILLIAM MUTTACH, DECEASED

Ambros Muttach, Ringsheim, Germany	1/5
Josef Muttach, Wintersweiler, Germany	
Bertha Benz, Baden-Baden, Germany	1/10
Max Wieber, Kuppenheim, Germany	1/10
Anna Muttach, Heilbron, Germany	1/35
Maria Maier, Heilbron, Germany	1/35
Fritz Muttach, Stuttgart, Germany	1/35
Karl Muttach, Hannover, Germany	1/35
Ruth Muttach, Hellbron, Germany	1/35
Albert (Kuno) Muttach, Hellbron, Germany	1/35
Hildegard Muller, Hellbron, Germany	1/35
Albert Muttach, Ringsheim, Germany	1/40
Josef Muttach, Ettenheimweiler, Germany	1/40
Johann Muttach, Ringsheim, Germany	1/40
Hilda Muller, Ringsheim, Germany	1/40
Karl Muttach, Offenberg, Germany	1/40
Bibiana Brucker, Herbolzheim, Germany	1/40
Lina Hassur, Ringsheim, Germany	1/40
Karl Rath, Schonach, Germany	1/40
Total	( <sup>1</sup> )

<sup>1</sup> An undivided one-half interest.

[F.R. Doc. 43-20090; Filed December 17, 1943;  
10:54 a. m.]

[Vesting Order 2729]

## LIBORIO NOBILE

In re: Real property, property insurance policies and claim owned by Liborio Nobile.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Liborio Nobile is Province di Napoli, Sejano per Fornacella, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Liborio Nobile is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. Real property situated in New York County, New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Real property situated in New York County, New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title and interest of Liborio Nobile in and to the following insurance policies:

(1) Fire insurance policy No. 814700, issued by the American Alliance Insurance Company, New York, insuring the premises described in subparagraph 3-a hereof;

(2) Fire insurance policy No. 3600625, issued by the Great American Insurance Company, New York, insuring the premises described in subparagraph 3-b hereof;

(3) Public liability insurance policy No. LG 62132, issued by The Metropolitan Casualty Insurance Company of New York, insuring against liability for personal injuries on or about the premises described in subparagraph 3-a hereof;

(4) Public liability insurance policy No. LD 222177 and renewal certificate No. LR 30632, issued by the Eagle Indemnity Company, New York, insuring against liability for personal injuries on or about the premises described in subparagraph 3-b hereof;

(5) Standard Workmen's Compensation and Employer liability policy No. UX 285199, issued by the Massachusetts Bonding and Insurance Company, Boston, Massachusetts, insuring against liability in connection with the premises described in subparagraph 3-b hereof; and

d. All right, title, interest and claim of any name or nature whatsoever of Liborio Nobile in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Liborio Nobile, by Catherine Savarese, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against Catherine Savarese arising out of the management of the property described in subparagraphs 3-a and 3-b hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-c and 3-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a

designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraphs 3-a and 3-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-c and 3-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The "terms 'national'" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

Beginning at a point on the southerly side of 49th Street distant 100 feet westerly from the southwesterly corner of Tenth Avenue and 49th Street, thence southerly parallel with Tenth Avenue 100 feet 5 inches to the center of the block; thence westerly along the center of the block 19 feet; thence northerly parallel with Tenth Avenue and part of the way through a party wall 100 feet 5 inches to the southerly side of 49th Street; thence easterly along the southerly side of 49th Street 19 feet to the point or place of beginning.

## EXHIBIT B

All that lot or parcel of land with the buildings and improvements thereon situate, lying and being in the City, County and State of New York, bounded as follows:

Beginning at a point on the westerly side of Tenth Avenue distant 75 feet 5 inches

northly of the northwest corner of Tenth Avenue and 49th Street, and running thence northly along the westerly side of Tenth Avenue 25 feet, thence westerly parallel with 49th Street 75 feet, thence southerly parallel with Tenth Avenue 25 feet, and thence easterly parallel with 49th Street 75 feet to the point or place of beginning. Be said dimensions and distances more or less.

Said premises being known as and by the street number 727 Tenth Avenue, Manhattan, City of New York.

[F. R. Doc. 43-20091; Filed, December 17, 1943;  
10:54 a. m.]

[Vesting Order No. 2730]

**BLANCHE GOOD ORTOLANI**

In re: Undivided interest in real property and a bank account owned by Blanche Good Ortolani.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Blanche Good Ortolani, formerly known as Blanche Good Piccoli, is Villa Floridiana, Via Cimarrona 77, Naples, Italy and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Blanche Good Ortolani is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:  
a. The undivided one-third interest in and to the real property situated in Sumner County, Kansas, particularly described in Exhibit A, attached hereto and by reference made a part hereof, identified as the interest which was devised under the provisions of the Last Will and Testament of Min S. Harper, deceased, to Blanche Good Ortolani, formerly known as Blanche Good Piccoli, as one of the survivors of Edith Good, also known as Edith S. Good, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Blanche Good Ortolani in and to the sum of \$500, constituting a portion of a certain bank account on deposit in the Calumet National Bank, Hammond, Indiana, which is now due and owing to, and held for Blanche Good Ortolani in the name of "Blanche Good Ortolani by Lillian Good Pugh, Attorney in fact," including but not limited to all security rights in and to any and all collateral for any or all of such account or portion thereof and the right to enforce and collect the same;

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consulta-

tion and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof.

All such property so vested to be held, used, administered, liquidated sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] **LEO T. CROWLEY,  
Alien Property Custodian.**

#### EXHIBIT A

All that tract or parcel of land situated in Sumner County, Kansas, particularly described as follows:

Lots Three (3) and Four (4) and the East Half of the Southwest Quarter of Section Eighteen (18), in Township Thirty (30), South of Range Two (2) West of the Sixth Principal Meridian containing One Hundred and sixty acres more or less.

Also the Southeast Quarter of Section Thirteen (13), in Township Thirty (30) South of Range Three (3) West of the Sixth Principal Meridian containing One Hundred and Sixty acres more or less.

All the above described land containing Three Hundred and Twenty acres more or less.

[F. R. Doc. 43-20092; Filed, December 17, 1943;  
10:55 a. m.]

[Vesting Order 2731]

**PETER PELLARIN**

In re: Real property situated in Detroit, Michigan, claim, and bank account, owned by Peter Pellarin.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Peter Pellarin is Sequals, Udine, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Peter Pellarin is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Detroit, Michigan, particularly described as Lot 6, North Side of Monroe Avenue, formerly Croghan Street, C. Moran Farm, according to the plat thereof as recorded in Liber 10 of Plats on Page 5 in the Office of the Register of Deeds of Wayne County, Michigan, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Peter Pellarin in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Peter Pellarin by Batteries Inc. and William A. Genser, individually and doing business as Batteries Manufacturing Company, 655 Monroe Avenue, Detroit, Michigan, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

c. All right, title, interest and claim of Peter Pellarin in and to a certain bank account in The National Bank of Detroit, Detroit, Michigan, which is due and owing to, and held for and in the name of Peter Pellarin, including but not limited to all security rights in and to any and all collateral for such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Prop-

## FEDERAL REGISTER, Saturday, December 18, 1943

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20093; Filed, December 17, 1943;  
10:55 a. m.]

[Vesting Order Number 2732]

## EMILIE POLEK AND ANNA MATHILDA POLEK

In re: Real property, property insurance policies, and bank account owned by Emilie Polek and Anna Mathilda Polek.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Emilie Polek is 23/5 Strasse der Julikaempfer, Vienna VIII, Germany (Austria) and that the last known address of Anna Mathilda Polek is Olbersdorf, Stadt No. 49, Eastsudetenland, Germany (Czechoslovakia); that Emilie Polek and Anna Mathilda Polek are residents of Germany and nationals of a designated enemy country (Germany);

2. That Emilie Polek and Anna Mathilda Polek are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

(a) Real property situated in Baltimore County and Anne Arundel County, State of Maryland, identified as that real property acquired by Emilie Polek and Anna Mathilda Polek by virtue of an Order of Distribution of the Orphan's Court of Baltimore County dated November 25, 1942, in the Matter of the Estate of Joseph Pole, deceased, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property.

(b) All right, title, interest, and claim of Emilie Polek and Anna Mathilda Polek in and to the insurance policies particularly described in Exhibit B attached hereto and by reference made a part hereof, which relate to the premises described in subparagraph 3-a hereof, and

(c) All right, title, interest and claim of Emilie Polek and Anna Mathilda Polek in and to that certain bank account with the

First National Bank of Baltimore, Maryland, which is due and owing to, and held for Emilie Polek and Anna Polek in the name of "Bernard G. Peter, attorney-in-fact, for Emilie Polek and Anna Mathilda Polek as nationals of Austria and Czechoslovakia," including but not limited to all security rights in and to any and all collateral for any and all of such account and the right to enforce and collect the same.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. The order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

Those certain tracts or parcels of land situated in Baltimore County, Baltimore City,

and Anne Arundel County, all in the State of Maryland, more particularly described as follows:

*Parcel I:* All that lot or parcel of ground situate, lying and being in Baltimore County and described as follows: Beginning for the same at the point or place where a line drawn Northeasterly along the center of Eastern Avenue will intersect a line drawn along the centre of Back River Neck Road and running thence along the center of Back River Neck Road twenty-nine degrees West three hundred and seventy-five feet and six inches, thence South eighty-two and three-quarter degrees West three hundred and seventy-five feet and six inches to a cedar post thence south twenty-nine degrees East three hundred and seventy-five feet and six inches to the centre of Eastern Avenue thence along the centre of said Avenue North eighty-two and three-quarter degrees East three hundred and seventy-five feet and six inches to the beginning. Containing three acres of land, more or less. Being the same lot of ground firstly described in a deed from said Anna Weber to said Daniel Weber dated October 17th, 1906, and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 306, folio 180. This deed further witnesseth that for the consideration aforesaid and in pursuance of said power the said Anna Weber and Daniel Weber, Trustee, do bargain and sell unto Joseph Pole and Mary Pole, his wife, all the stock fixtures, goods and chattels contained in the property hereinbefore described and which is situated at the intersection of the Back River Neck Road and Eastern Avenue. Together with the improvements thereon and the rights, and appurtenances thereto belonging or in anywise appertaining.

*Parcel II:* All that lot of ground and premises situate, lying and being in Baltimore County and described as follows, that is to say: Beginning at a point situated the following 4 courses and distances, S 63 deg. 41 min. E 123.65 ft S 87 deg. 32 min E 304.54 ft S 33 deg 55 min E 1129.71 ft S 29 deg 31 min W 50.00 ft from stone No. 7 at the end of one of the original outlines of the whole tract and also being at the end of 50.00 ft on the third line of the parcel of land sold by the Essex Company to Margaret Betz, containing 10.10 acres being lots 1, 2, 3, 4, 5, 6 of Block C Section B of Essex Subdivision and running thence S 29 deg 31 min W 323.82 ft to an Iron Pin at the end of said third line on the East side of Back River Neck Road thence along said Road as laid out on the Plat of Essex Subdivision S 27 deg 25 min E 357.99 ft to the west side of Eastern Avenue as laid out 80.0 ft wide on said Plat Section B thence along said Avenue N 29 deg 31 min E 519.15 ft. to the division line between Lots 8 and 7 thence along said line N 60 deg 29 min W 300.00 feet to the point of beginning. Containing 2.90 acres more or less. Being the same lot of ground in a deed dated December 10, 1913 and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 421, folio 255 was granted and conveyed by the Taylor Land Company and Essex Company to said Grantors. Together with the buildings and improvements thereupon erected made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

*Parcel III:* All that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say: Beginning for the same in the centre of Back River Neck Road at the distance of two thousand two hundred and twenty-one feet and three inches (2,221'3") southeasterly measured in the centre line of said road from where the said centre line is intersected by the outline of a tract of land called "Hopewell Re-surveyed", said outline being the North thirty-one degrees East one hundred and six perches line of the whole

tract of which the lot now being described is a part and which is thirdly described in a deed from Isaac L. Nicholson to Esastus Levy, dated February 5th, 1890 and recorded among the Land Records of Baltimore County in Liber J. W. S. No. 173, folio 203, etc., and running thence with and binding on the centre line of said Back River Neck Road South twenty-eight and one-quarter degrees east seven hundred and six feet and South thirty-four and three quarters degrees east, thirty-six feet and three inches, thence leaving said road and running for a line of division between lots Nos. 4 and 5, North thirty-five and one-quarter degrees east two thousand and forty-two feet to Hopewell Creek, thence binding thereon as follows: North twenty-one degrees and ten minutes West sixty-six feet, north thirty-nine and one-quarter degrees west one hundred feet north thirty-seven degrees west one hundred feet, north sixty-eight degrees and twenty minutes west one hundred feet, south fifty-nine and one-quarter degrees west fifty-five feet; south sixty-two and one quarter degrees west one hundred feet; north seventy-eight degrees and ten inches west one hundred feet north four degrees and ten minutes east eighty-seven feet, north thirty-three degrees and fifty minutes east one hundred feet, north fifty-two and three quarters degrees east one hundred feet; north five and one-quarter degrees east ninety and one-half feet, north fifty-six and one-quarter degrees west ninety-five feet to intersect a line drawn north thirty-five and one-quarter degrees east from the place of beginning, thence reversing said line and binding thereon, it being the division line between Lots Nos. 3 and 4 South thirty-five and one-quarter degrees west one thousand nine hundred and fifty-seven and one-half feet to the place of beginning. Containing thirty acres of land, more or less. Saving and excepting, however, so much of said land as was by deed dated May 23rd, 1905, and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 286, folio 329, etc., conveyed by Amelia M. Dimling to John M. Bauernfeind and wife. Being the same lot of ground described in a deed from Amelia M. Dimling, Unmarried, to William Schluderberg of C and Frederick J. Schneider, dated December 11th, 1905, and recorded in Liber W. P. C. No. 293, folio 123, etc., one of the Land Records of Baltimore County. See also deed from Louise C. Weisbrod, unmarried, to William Schluderberg of C and wife (erroneously mentioned in said deed as William Schluderberg) dated November 11th, 1920 and recorded in Liber W. P. C. No. 534, folio 230, etc., one of the Land Records of Baltimore County. See also the Last Will and Testament of the said Frederick J. Schneider recorded in the Office of the Register of Wills for Baltimore County in Wills Liber W. J. P. No. 20, folio 351, etc., whereby the said Testator devised to his wife, the said Agnes Louisa Schneider, for life, all of his estate, real, personal and mixed, and at her death, to his children, the said Edward J. Schneider and William J. Schneider are his only children and heirs at law. Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or otherwise appertaining.

*Parcel IV:* All those two lots of ground situate, lying and being in Baltimore County aforesaid, and described as follows, that is to say: Being known and designated as lots Nos. one and two on plat of Reis property filed for record among the Land Records of Baltimore County in Plat Book W. P. C. No. 7, folio 33. Also being part of the land described in a deed dated April 25th, 1919, and recorded among the land Records of Baltimore County in Liber W. P. C. No. 509, folio 330, which was granted and conveyed by the Taylor Land Company to said grantors. Being the same lot of ground which by deed dated the 1st

day of September, 1922, and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 559, folio 291 was granted and conveyed by Louis C. Reis and Caroline Reis, his wife, to said Grantors. Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or otherwise appertaining.

*Parcel V:* All that lot of ground situate, lying and being in Baltimore County in the State of Maryland and described as follows that is to say: Beginning for the same at the end of the fifteenth line of the whole tract or parcel of ground which by deed dated November 27th, 1889 and recorded among the Land Records of Baltimore County in Liber J. W. S. No. 177, folio 587, etc., was conveyed by Joseph Beck, et al, to John Beck said point of beginning being in the centre of the road leading from Back River Neck Road to the farm now or formerly belonging to John LeRoy and at a point in the centre of the former gate entrance to said LeRoy's farm and running thence as now indicated by the needle and bounding on the sixteenth line described in said deed North 10 degrees West  $2\frac{9}{10}$  perches thence running and bounding on a part of the seventeenth line described in said deed North 24 degrees West 2 perches thence South  $68\frac{3}{4}$  degrees West 44 perches North  $43\frac{1}{2}$  degrees West  $45\frac{9}{10}$  perches (crossing a private road 20 feet wide) to the margin or water of Hog Pen Creek thence running and bounding on said Creek the seven following courses and distances South  $71\frac{1}{4}$  degrees West one perch South  $34\frac{3}{4}$  degrees West  $28\frac{1}{100}$  perches South  $1\frac{1}{2}$  degrees West  $1\frac{1}{10}$  perches to a marked pine South  $22\frac{1}{2}$  degrees East  $5\frac{1}{10}$  perches South  $35\frac{1}{4}$  degrees East  $7\frac{1}{4}$  perches South 25 degrees East  $4\frac{1}{2}$  perches and South  $5\frac{1}{2}$  degrees East  $8\frac{1}{10}$  perches to a large pine tree marked on the west side thence running and crossing a marsh making in from said Creek South  $10\frac{1}{4}$  degrees East  $10\frac{1}{10}$  perches to an angle in the above referred to Private Road thence running and bounding on the centre of said Road south  $13\frac{1}{4}$  degrees East  $32\frac{1}{10}$  perches to and to intersect the seventh line described in the above referred to deed at the end of  $43\frac{9}{10}$  perches in said line thence running and bounding on the centre of said road and bounding on said line North  $86\frac{1}{4}$  degrees East  $12\frac{1}{4}$  perches to the end of said line continuing to bound on the centre of said road and bounding on the outlines described in the above referred to deed the six following courses and distances North  $67$  degrees East 13 perches North  $42\frac{1}{4}$  degrees East 12 perches North  $50$  degrees East 9 perches North  $60\frac{1}{4}$  degrees East  $3\frac{1}{2}$  perches to the place of beginning containing  $15\frac{1}{10}$  Acres more or less and also about  $\frac{1}{8}$  of an Acre bounding on the South  $68\frac{3}{4}$  degrees West 44 perches line of the lot above described as now designated by the fence there erected and as directed by said John Beck. Subject to the reservation of said John Beck his heirs and assigns of the right to the free and unobstructed use of the above referred to road twenty feet wide passing through the land now conveyed to a road as aforesaid leading from Back River Neck Road to the farm now or formerly belonging to John LeRoy. Being the same lot of ground described in a deed from John Beck, Single, to William Kries and Emilie Kries, his wife, dated February 8th, 1898 and recorded in Liber N. B. M. No. 229, folio 584, etc., one of the Land Records of Baltimore County. The said William Kries departed this life on or about the — day of — in the year 19—. Together with the buildings thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges appurtenances and advantages to the same belonging or in anywise appertaining.

*Parcel VI:* All that lot or parcel of ground situate and lying in Baltimore City, State of

Maryland, and particularly described as follows: Beginning for the same on the west side of Callow Avenue at the distance of fifty four feet south from the corner formed by the intersection of the west side of Callow Avenue and the south of Reservoir Street which place of beginning is intended to be at the centre of the partition wall between the house erected on the lot of ground now being described and the house erected on the lot of ground next adjacent thereto on the north and running thence southerly bounding on the west side of Callow Avenue eighteen feet to the centre of the partition wall between the house erected on the lot of ground next adjacent thereto on the south thence westerly through the centre of the last mentioned partition and continuing the same course parallel with Reservoir Street in all one hundred and twenty feet to the centre of an alley twenty feet wide there situate and thence northerly bounding on the centre of said alley with the use thereof in common with others eighteen feet to intersect the line drawn westerly from the place of beginning through the centre of the partition wall first mentioned in the description of this lot and thence easterly reversing the line so drawn and bounding thereon parallel with Reservoir Street in all one hundred and twenty feet to the place of beginning. Being the same piece or parcel of ground which the said Joseph B. Nyburg and Helene M. Nyburg, his wife, acquired in fee simple by the following deeds the leasehold interest therein by deed from Mary B. Engiverson dated the 14th day of June 1906 and recorded among the Land Records of Baltimore City in Liber R O No. 2251 fol 44 &c and the reversionary interest therein by deed from Julia I. Carroll of even date herewith and recorded or intended to be recorded prior hereto. Together with the improvements thereon and the rights and appurtenances thereto belonging or appertaining.

*Parcel VII:* All that lot of ground situate, lying and being in Baltimore City and described as follows that is to say: Beginning for the same on the east side of Eutaw Street at the distance of fifty seven feet north from the northeast corner or intersection of Eutaw and Camden Streets and running thence north bounding on Eutaw Street eighteen feet thence east parallel with Camden Street four perches thence south parallel with Eutaw Street eighteen feet and thence west parallel with Camden Street four perches to the place of beginning. Being the same piece or parcel of ground described in the deed from Charlotte Spencer single woman to John G. Romoser by deed dated October 30th, 1865 and recorded in Liber A. M. No. 287 folio 301 &c one of the Land Records of Baltimore City and also being the same lot of ground described in the lease from Charlotte Spencer to John G. Romoser dated July 12th, 1852 and recorded in Liber E D No. 15, Folio 389 &c one of the Land Records of Baltimore City. The said John G. Romoser departed this life on or about the 30th day of October, 1896, leaving surviving him Mary E. Romoser, his widow, and the following children to wit Elizabeth C. Romoser, Charles F. Romoser, George A. Romoser, John J. Romoser, William H. Romoser, Joseph T. Romoser, and Louisa S. Dorries, his children and only heirs at law. The said Mary E. Romoser, his widow, died on or about the 30th day of November, 1917. The said Charles F. Romoser died on or about the 21st day of February, 1903, unmarried, intestate and without issue. The said Elizabeth C. Romoser died on or about the 16th of January, 1911, unmarried, intestate and without issue. Together with the buildings and improvements thereupon erected made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

## FEDERAL REGISTER, Saturday, December 18, 1943

**Parcel VIII:** All that tract of ground situated, lying and being on the north side of Mill Creek, in the Third District of Anne Arundel County, between the new and the old road to St. Margarets, and described as follows, that is to say: Beginning at a point on the shore of Mill Creek at the level of approximate mean low tide said point being at the end of the eighth course of the outline of the land conveyed by Frances H. Tate to Napoleon Alzingre, and recorded in Liber G. W. No. 97, folio 212, etc. and running thence at the level approximate mean low tide along the shore of Mill Creek the following courses and distances, viz: north eighty-three degrees forty-four minutes east one hundred and six and three-tenths feet; south forty-seven degrees fifty-one minutes east two hundred and two and one-tenth feet; south sixteen degrees six minutes east one hundred and eight and eight-tenths feet; south forty-one degrees thirty nine minutes east fifty and one-tenths feet; south seventy-two degrees fifty-seven minutes east one hundred and ten and seven-tenths feet; south forty-three degrees forty-six minutes east one hundred and sixty-six and nine-tenths feet; north seventy degrees fifty-three minutes east one hundred and forty-five and three-tenths feet; north thirty-six degrees thirty-seven minutes east one hundred and twenty-six and five-tenths feet to a point, thence leaving the shore of Mill Creek and running north eighteen degrees twenty-two minutes east one hundred and eighty-one and five-tenths feet, thence north eighteen degrees five minutes east one hundred and thirty-nine feet to a point, said last mentioned point being at the beginning of the twentieth course of the said outline; thence along the said twentieth course north three degrees fifty minutes east one hundred and seventy-four and three-tenths feet thence north sixty-two degrees thirty-nine minutes west nine hundred and thirty and two-tenths feet to the beginning of the eighth course of said outline and thence along said eighth course south thirteen degrees, eighteen minutes west three hundred and eight and four-tenths feet, more or less to the place of beginning. Containing in all, ten acres more or less. Saving and excepting therefrom all those portions conveyed by the following deeds:

(1) Lots Nos. 26 and 27 of section "C" as shown on the plat of the aforesaid land, said Plat being designated as a "Plat of Forest Beach" and recorded among the Plat Records of Anne Arundel County in Plat Book W. N. W. No. 2, folio 71, conveyed by David L. Levey, et al., to Nicholas D. Lessner et al., by deed dated July 2nd, 1924, and recorded in Liber W. N. W. No. 89, folio 163, etc.

(2) Lots Nos. 24 and 25 of Section "B" as shown on said Plat by David L. Levey, et al., to Richard D. Goldsborough by deed dated July 22nd, 1925, and recorded in Liber W. M. B. No. 8, folio 390, etc.

(3) Lots Nos. 22 and 23 of Section "B" as shown on said plat and conveyed by David L. Levey, et al., to Thomas A. Smith, by deed dated January 13th, 1926, and recorded in Liber W. M. B. No. 29, folio 155, etc.

(4) Lot No. 21 of Section "B" as shown on said plat and conveyed by David L. Levey, et al., to Thomas A. Smith by deed dated August 4th, 1925, and recorded in Liber W. M. B. No. 29, folio 156, etc.

(5) Lots Nos. 19 and 20 of Section "B" as shown on said plat and conveyed by Fannie Sable, widow, et al., to Charles Rush, and wife, by deed dated February 26th, 1930, and recorded in Liber F. S. R. No. 50, folio 419, etc.

Being the same lot of ground described in a deed from Fannie Sable, widow, to The Southern Maryland Mortgage Company, Inc., dated February 26th, 1930, and recorded in Liber F. S. R. No. 64, folio 294, etc., one of the Land Records of Anne Arundel County. Subject, however, to a right of way sixteen feet wide along the west boundary of the

tract of land hereby conveyed and parallel therewith extending from the property of Weems R. Duvall to the waters of Mill Creek with a landing thereon, as more fully set forth in a deed from Weems R. Duvall and wife, et al., to David L. Levey, et al., dated May 29th, 1924, and recorded in Liber W. N. W. No. 92, folio 220, etc.; one of the Land Records of Anne Arundel County. Together with the buildings and improvements thereon erected, made or being, and all and every, the rights, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

EXHIBIT B<sup>1</sup>

## Property, Policy No., Company, Amount, and Type

I. Eastern Avenue, 205852, The Baltimore American Insurance Co., \$7,250, fire.

II. Eastern Avenue, 834891, The Central Insurance Co. of Baltimore, \$4,000, 8 point coverage.

III. Back River Neck Road, 204878, The Baltimore American Insurance Co., \$17,200, 8 point coverage.

IV. Franklin Avenue, S12391, The Central Insurance Co. of Baltimore, \$1,500, 8 point coverage.

V. Turkey Point Road, Policy No. 204878 mentioned under III above also insures Parcel V.

VI. 2126 Callow Avenue, S140935, The Central Insurance Co. of Baltimore, \$6,000, 8 point coverage.

VII. 219 S. Eutaw Street, S125984, The Central Insurance Co. of Baltimore, \$1,500, 8 point coverage.

VIII. St. Margarets Road, S13918, The Central Insurance Co. of Baltimore, \$1,700, 8 point coverage.

[F. R. Doc. 43-20094; Filed, December 17, 1943; 10:55 a. m.]

## [Vesting Order 2733]

## PIER LUIGI ROSSI AND RENZO ROSSI

In re: Mortgage and interests in insurance policies owned by Pier Luigi Rossi and Renzo Rossi.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Pier Luigi Rossi and Renzo Rossi is 18 Piazza Trinita dei Monti, Rome, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Pier Luigi Rossi and Renzo Rossi are the owners of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed on August 20, 1941 by Towncrest Realty Corp., as mortgagor, in favor of Pier Luigi Rossi and Renzo Rossi, as mortgagees, and recorded in the Register's Office of Bronx County, New York, on September 26, 1941 in Liber 2008 of Mortgages, page 334, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

b. All right, title and interest of Pier Luigi Rossi and Renzo Rossi, and each of them, in and to fire insurance policy No. MF 104603 issued by the St. Paul Fire and Marine Insurance Company, and war damage insur-

<sup>1</sup> Assured: Emilie Polek and Anna M. Polek.

ance policies numbered 1147-54-8664 and 1147-54-11751, issued by the War Damage Corporation through Commercial Union Assurance Company, Ltd., all insuring the premises covered by the mortgage described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20095; Filed, December 17, 1943; 10:55 a. m.]

## [Vesting Order 2751]

## RALPH BALLERSTEIN

In re: Estate of Ralph Ballerstein, deceased; File D-28-1797; E. T. sec. 999.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William Baumgart, as Executor of the Estate of Ralph Ballerstein, deceased, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Helene Baumgart and her issue, Germany. Jennie Baumgart and her issue, Germany. Mrs. Hans Marcus and her issue, Holland.

Mrs. Hellmuth Dessauer and her issue, Holland.

And determining that—

(3) Mrs. Hans Marcus and Mrs. Hellmuth Dessauer, citizens or subjects of a designated enemy country, Germany, and within enemy-occupied territory, Holland, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Helene Baumgart, Jennie Baumgart, Mrs. Hans Marcus and Mrs. Hellmuth Dessauer and their issue, and each of them, in and to the Estate of Ralph Ballerstein, deceased;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20096; Filed, December 17, 1943;  
10:55 a. m.]

[Vesting Order 2756]

VIKTOR HOHENLOHE, ET AL.

In re: Interests in real property owned by Viktor Hohenlohe, Konrad Hohenlohe, and Countess Marjorie Salvoni, also known as Marjorie Savin Britton.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Viktor Hohenlohe is 10 Wildpretmarkt, Vienna, Austria, and that he is a resident of Austria and a national of a designated enemy country (Germany);

2. That the last known address of Konrad Hohenlohe is in care of the German Army, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

3. That the last known address of Countess Marjorie Salvoni, also known as Marjorie Savin Britton, is Rome, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

4. That Viktor Hohenlohe, Konrad Hohenlohe, and Countess Marjorie Salvoni, also known as Marjorie Savin Britton, are the owners of the property described in subparagraph 5 hereof;

5. That the property described as follows:

All right, title, interest and claim of any kind, name or nature whatsoever of Viktor Hohenlohe, Konrad Hohenlohe, and Countess Marjorie Salvoni, also known as Marjorie Savin Britton, in and to the undivided eight forty-eighths interest, identified as the interest which Viktor Hohenlohe and Konrad Hohenlohe acquired as the heirs of Alexander Britton, deceased, and the interest which Countess Marjorie Salvoni, also known as Marjorie Savin Britton, acquired as the widow and heir of Alexander Britton, deceased, in and to real property situated, lying and being in Parish of De Soto, State of Louisiana, particularly described as Section 28, Township 12 North, Range 11 West, containing 640 acres of land, more or less, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, is property within the United States owned or controlled by nationals of designated enemy countries (Germany and Italy);

And determining that to the extent that such nationals are persons not within designated enemy countries, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20097; Filed, December 17, 1943;  
10:56 a. m.]

[Supplemental Vesting Order 2785]

DE NOBILI CIGAR COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 235, dated October 14, 1942, that De Nobili Cigar Company is a national of a designated enemy country (Italy);

2. Finding that the following persons have claims against De Nobili Cigar Company in the amounts appearing opposite each name, which claims aggregate \$996.33 as of June 3, 1943, and are represented on the books of said company as accounts payable, subject, however, to any accruals or deductions subsequent thereto, and represent interests in said business enterprise:

Name	Amount
The Estate of Giuseppe Aldobrandini, deceased	\$383.73
The Estate of Carlo Borgarello, deceased	63.50
The Estate of Virginia Basevi Ovazza, deceased	332.65
The Estate of David Viale, deceased	216.45
Total	996.33

3. Finding that the following persons, whose last known addresses appear opposite each name, are residents of Italy and nationals of a designated enemy country (Italy):

Name and Address

The Estate of Giuseppe Aldobrandini, deceased, Clemente and Ferdinand Aldobrandini, his heirs, executors or administrators, Via Botteghe Oscure 32, Rome, Italy.

The Estate of Carlo Borgarello, deceased, his heirs, executors or administrators, Via Stura 18, Genoa, Italy.

The Estate of Virginia Basevi Ovazza, deceased, her heirs, executors or administrators, Via Ludovisi 36, Rome, Italy.

The Estate of David Viale, deceased, his heirs, executors or administrators, Via XX Settembre 32, Genoa, Italy.

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

and having made all determinations and taken all action required by law, including

## FEDERAL REGISTER, Saturday, December 18, 1943

appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian accounts payable in the sum of \$996.33, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 15, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20098; Filed, December 17, 1943;  
10:56 a. m.]

[Vesting Order 1346, Amendment]

SOCIETA ITALIANA PIRELLI

Vesting Order Number 1346 of April 27, 1943, is amended as follows and not otherwise:

By changing in subparagraph 3 thereof the date "July 27, 1937" to "July 27, 1938".

All other provisions of said Vesting Order Number 1346 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 13, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20079; Filed, December 17, 1943;  
10:56 a. m.]

[Vesting Order 2091, Amendment]

JOSEPH SPERR AND REGINA SPERR

In re: Real property owned by Joseph Sperr and Regina Sperr, his wife.

Vesting Order Number 2091, dated September 3, 1943, is hereby amended as follows and not otherwise:

By deleting the words and figures "April 13, 1937" and "April 15, 1937" where said words appear in Exhibit A attached to and by reference made a part of said Vesting Order, and substituting therefor the words and figures "April 13, 1939" and "April 15, 1939".

All other provisions of said Vesting Order Number 2091 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on December 15, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20077; Filed, December 17, 1943;  
10:56 a. m.]

[Vesting Order 2344, as amended, Amendment]

WILLIAM R. VON VERSEN

In re: Real property and claims owned by William R. von Versen and other nationals of Germany.

Vesting Order Number 2344, dated October 5, 1943, as amended, is hereby further amended as follows and not otherwise:

a. By deleting the words and figures "one hundred ninety three (193) feet ten (10) inches" appearing on lines 3 and 4, Parcel No. 1, of Exhibit A attached to and by reference made a part of said Vesting Order and substituting therefor the words and figures "one hundred ninety four (194) feet three (3) inches," and

b. By deleting the word and figure "six (6)" appearing on line 1, Parcel No. 2, of Exhibit A attached to and by reference made a part of said Vesting Order and substituting therefor the word and figure "seven (7)."

All other provisions of said Vesting Order Number 2344, as amended, and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 15, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20078; Filed, December 17, 1943;  
10:56 a. m.]

[Vesting Order 2613, Amendment]

JOHN L. HOFFMAN

In re: Estate of John L. Hoffman, deceased; File D-28-4185; E. T. sec. 7254.

Whereas, a typographical error appears in line three of Finding (1) of Vesting Order Number 2613, namely, the word "of" is used instead of the word "by".

Now, therefore, Vesting Order Number 2613 is hereby amended as follows and not otherwise:

The word "of" in line three of Finding (1) is deleted and the word "by" is substituted in lieu thereof. Finding (1) will now read as follows:

The property and interests hereinafter described are property which is in the process of administration by Marie L. Leoucis, Admin-

istrator de bonis non, 702 Seventh Avenue, Peoria, Illinois, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Tazewell;

All other provisions of such Vesting Order Number 2613 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: December 13, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-20080; Filed, December 17, 1943;  
10:56 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[ODT 6A, Supp. Order 14]

### COMMON CARRIERS

#### COORDINATED OPERATIONS IN MINNEAPOLIS AND ST. PAUL, MINN.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that

<sup>1</sup> Filed as part of the original document.

would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-14" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 21, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of December 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Consolidated Delivery Service, Inc., 81 South 13th Street, Minneapolis, Minn.  
Retail Delivery Company, 516 Lafayette Road, St. Paul, Minn.

[F. R. Doc. 43-20066; Filed, December 17, 1943;  
10:40 a. m.]

[ODT 20A, Supp. Order 47]

## CERTAIN TAXICAB OPERATORS

## COORDINATED OPERATIONS IN CLEVELAND AND EUCLID, OHIO, AREAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which

plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the areas of Cleveland, Ohio and the City of Euclid, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as having required or as requiring the establishment of minimum charges as provided in section 1 (e) of Appendix 2 or the insertion of section 2 (c) in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Cleveland, Ohio for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in

the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-47" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Cleveland, Ohio.

8. This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of December 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Yellow Cab Company of Cleveland, Inc., Cleveland, Ohio.

The Zone Cab Corporation, Cleveland, Ohio.  
Frank Sbrocco, 18500 Lake Shore Boulevard, Euclid, Ohio.

Nick J. Sbrocco, 18500 Lake Shore Boulevard, Euclid, Ohio.

[F. R. Doc. 43-20067; Filed, December 17, 1943;  
10:40 a. m.]

[ODT 20A, Supp. Order 48]

## CERTAIN TAXICAB OPERATORS

## COORDINATED OPERATIONS IN CLEVELAND AND CLEVELAND HEIGHTS, OHIO, AREAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the areas of Cleveland, Ohio and Cleveland Heights, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The Plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of

<sup>1</sup> Filed as part of the original document.

this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as having required or as requiring the establishment of minimum charges as provided in section 1 (d) of Appendix 2 or the insertion of section 2 (c) in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Cleveland, Ohio for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-48" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Cleveland, Ohio.

8. This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of December 1943.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

#### APPENDIX 1

Yellow Cab Company of Cleveland, Inc.,  
Cleveland, Ohio.

The Zone Cab Corporation, Cleveland, Ohio,  
Fred J. Howell, 1634 East 78th Street, Cleve-  
land, Ohio.

Rita D. Anthony, 3462 East 149th Street,  
Cleveland, Ohio.

[F. R. Doc. 43-20068; Filed, December 17, 1943;  
10:41 a. m.]

[ODT 20A, Supp. Order 49]

#### CERTAIN TAXICAB OPERATORS

#### COORDINATED OPERATIONS IN PORTLAND, OREG. AND VANCOUVER, WASH., AREAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Portland, Oregon, and Vancouver, Washington, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Portland, Oregon, for authorization to participate in the plan. A copy of each such applica-

tion shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-49" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Portland, Oregon.

8. This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of December 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

#### APPENDIX 1

Yellow Cab Co., 628 N. W. 6th Street, Port-  
land, Oreg.

Union Cab Co., 1226 S. W. 2nd Street, Port-  
land, Oreg.

Broadway Cab Co., 115 N. W. Broadway,  
Portland, Oreg.

Yellow Cab Co., 111½ E. 10th Street, Van-  
couver, Wash.

Delux Cab Co., 414 Main Street, Vancouver,  
Wash.

Vancouver Cab Co., 106 E. 5th Street, Van-  
couver, Wash.

[F. R. Doc. 43-20069; Filed, December 17, 1943;  
10:41 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 5 Under MPR 170]

#### GREAT NORTHERN CHEMICAL CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1412.13 (j) of Maximum Price Regulation No. 170, it is hereby ordered:

(a) *Definitions.* As used in this order the term:

(1) "No Freeze" refers to a petroleum base anti-freeze manufactured by the Great Northern Chemical Company at Oak Park, Illinois, which is sold under the name "No Freeze" and contains at least 98.5 per cent of material conforming to the following specifications:

#### COMPOSITION

Aliphatic hydrocarbons... 99% minimum.

Aromatic hydrocarbons... None.

Olefin hydrocarbons... None.

Di-olefin hydrocarbons... None.

Paraffin hydrocarbons... 50% minimum.

Mercaptan sulphur... None.

Total sulphur... 0.01% maximum.

#### PHYSICAL PROPERTIES

A. P. I. Gravity... 45 plus.

Flash point, Cleveland open cup... 200° F.

Odor intensity, osmoscope... 1.

<sup>1</sup> Filed as part of the original document.

## PHYSICAL PROPERTIES—continued

A. S. T. N. distillation:	
Initial boiling point.....	420-428° F.
5%.....	424-434° F.
10%.....	427-437° F.
50%.....	435-455° F.
90%.....	455-485° F.
Dry point.....	500° F.

(2) "Eastern territory" means the States of the United States east of Montana, Wyoming, Colorado and New Mexico.

(3) "Western territory" means the remaining States of the United States.

(b) Maximum prices for sales of "No Freeze"—(1) Sales by Great Northern Chemical Company to persons other than retailers—(i) Sales in drums.

\$0.56 per gallon, delivered in Eastern territory.

\$0.625 per gallon, delivered in Western territory.

In the case of sales in less than carload lots, transportation costs in excess of 5 cents per gallon on deliveries in Eastern territory or 10 cents per gallon on deliveries in Western territory, may be charged to the buyer's account. Any such charges shall be separately stated on an invoice which shall be furnished the buyer before payment.

(ii) Sales in glass jugs. \$0.08 per gallon may be added to the maximum prices established in subdivision (i) for sales in drums.

(2) Sales to retailers by any person—(i) Sales in drums.

\$0.70 per gallon, delivered in Eastern territory.

\$0.78 per gallon, delivered in Western territory.

In the case of sales to retailers by sellers other than Great Northern Chemical Company, transportation costs in excess of 5 cents per gallon may be charged to the buyer's account. Any such charges shall be separately stated on the invoice which shall be furnished the buyer by the seller.

(ii) Sales in glass jugs. \$.08 per gallon may be added to the maximum prices established in subdivision (i) for sales in drums.

(3) Sales at retail, Delivered, including thorough cleaning of automobile cooling system by approved methods in accordance with manufacturer's directions and installation in automobile cooling system:

\$1.20 per gallon in Eastern territory.

\$1.32 per gallon in Western territory.

(c) Containers. No extra charge may be made for containers. The seller may, however, require the buyer to return drums, but where he does so the maximum price for the contents of any such drum as established by paragraphs (a), (b), and (c) above shall be decreased by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used drum of the same kind in good condition f. o. b. buyer's plant. The same deduction shall be made in those cases where the buyer furnishes drums.

Where a seller requires the return of a drum, he may charge a reasonable deposit for the return of such drum. The deposit must be repaid to the buyer upon

his return of the drum in good condition within a reasonable time. Transportation costs with respect to the return or furnishing of empty drums to the seller shall in all cases be borne by the seller.

(d) Marking and posting—(1) By Great Northern Chemical Company. Great Northern Chemical Company shall clearly and conspicuously mark on the outside of each container of "No Freeze" sold by it or on labels securely affixed thereto the following information:

(i) The statement, "A petroleum base anti-freeze."

(ii) The applicable maximum retail price designated as follows:

OPA retail ceiling price, \$1.20 per gallon (\$1.32 in Mont., Wyo., Colo., N. M., and states west).

(iii) The brand name "No Freeze."

(2) By retailers. Every person selling "No Freeze" at retail shall post the maximum price and brand in a manner plainly visible to and understandable by the purchasing public.

This order shall become effective December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20044; Filed, December 16, 1943;  
4:48 p. m.]

[Order 7 Under MPR 170]

MIDDLE STATES MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1412.13 (j) of Maximum Price Regulation No. 170, it is hereby ordered:

(a) Definition. As used in this order the term "Safas" refers to a petroleum base anti-freeze manufactured by the Middle States Manufacturing Company at Salt Lake City, Utah, which is sold under the name "Safas" and meets the following minimum specifications:

Flash point (C. O. P.)—at least 175° F.  
Aromatic hydrocarbon content (as determined by A. S. T. M. method ES-45)—not over 1.0 percent.

Dry point—not over 500° F.

(b) Maximum prices for sales of "Safas"—(1) Sales by Middle States Manufacturing Company to persons other than retailers—(i) Sales in drums.

\$0.625 per gallon, delivered.

(ii) Sales in glass jugs. \$0.08 per gallon may be added to the maximum prices established in subdivision (i) for sales in drums.

(2) Sales to retailers by any person—

(i) Sales in drums. \$0.78 per gallon, delivered. In the case of sales to retailers by sellers other than Middle States Manufacturing Company, transportation costs in excess of 5 cents per gallon may be charged to the buyer's account. Any such charges shall be separately stated on the invoice which shall be furnished the buyer by the seller.

(ii) Sales in glass jugs. \$0.08 per gallon may be added to the maximum prices established in subdivision (i) for sales in drums.

(3) Sales at retail, delivered, including thorough cleaning of automobile cooling system by approved methods in accordance with manufacturer's directions and installation in automobile cooling system:

\$1.32 per gallon.

(c) Containers. No extra charge may be made for containers. The seller may, however, require the buyer to return drums, but where he does so the maximum price for the contents of any such drum as established by paragraphs (a), (b), and (c) above shall be decreased by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used drum of the same kind in good condition f. o. b. buyer's plant. The same deduction shall be made in those cases where the buyer furnishes drums.

Where a seller requires the return of a drum, he may charge a reasonable deposit for the return of such drum. The deposit must be repaid to the buyer upon his return of the drum in good condition within a reasonable time. Transportation costs with respect to the return or furnishing of empty drums to the seller shall in all cases be borne by the seller.

(d) Marking and posting—(1) By Middle States Manufacturing Company. Middle States Manufacturing Company shall clearly and conspicuously mark on the outside of each container of "Safas" sold by it or on labels securely affixed thereto the following information:

(i) The statement, "A petroleum base anti-freeze."

(ii) The applicable maximum retail price designated as follows:

OPA retail ceiling price, \$1.32 per gallon.

(iii) The brand name "Safas."

(2) By retailers. Every person selling "Safas" at retail shall post the maximum price and brand in a manner plainly visible to and understandable by the purchasing public.

This order shall become effective December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20046; Filed, December 16, 1943;  
4:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-809]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 15th day of December 1943.

Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, in turn a subsidiary of The United Corporation, a registered holding company, having filed a declaration and amendments thereto under the Public Utility Holding Company Act of 1935, particularly sections 6 (a) (2) and 7 thereof, regarding the reduction of the stated value of its no par common stock from \$196,206,800, as presently stated, to \$146,205,800, for the purpose of creating Capital Surplus in the amount of \$50,000,000 which will be available for any write-downs of its utility plant resulting from orders by the Federal Power Commission or the Board of Public Utility Commissioners of the State of New Jersey; or which the Board of Directors of Public Service Electric and Gas Company may determine desirable; and

A public hearing on said declaration, as amended, having been duly held; and the Commission having considered the record in the matter and having made and filed its findings and opinion herein:

*It is ordered,* That said declaration, as amended, be, and the same hereby is, permitted to become effective, subject to the conditions contained in Rule U-24 and to the following condition:

Public Service Electric and Gas Company shall not hereafter make any charges to capital surplus unless fifteen days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction on receipt of such notice, and as part of the proceeding herein, after notice given within such fifteen days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be provided, and in the event that the Commission shall notify Public Service Electric and Gas Company to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20039; Filed, December 16, 1943;  
3:44 p. m.]

[File No. 70-831]

ELECTRIC POWER & LIGHT CORP. AND  
LOUISIANA POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December, A. D. 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Louisiana Power & Light Company ("Louisiana"); and

Notice is further given that any interested person may, not later than December 23, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time, thereafter, such joint declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The aforesaid companies propose that:

Electric Power & Light will make a capital contribution of 30,000 shares of the \$6 Second Preferred Capital Stock of Louisiana Power & Light Company to said company (being all of such capital stock issued and outstanding). Louisiana Power & Light will acquire such shares of stock and take the following steps:

(1) Cancel the 30,000 shares of its Second Preferred Stock surrendered to it as above, and reduce its capital stock liability by \$3,000,000, the amount of the claim on liquidation of such shares;

(2) Credit its capital surplus account with the said \$3,000,000 reduction in capital stock liability and charge thereto a balance of \$3,000,000 presently classified in its plant account which it has been ordered to eliminate therefrom;

(3) State its capital stock liability on its outstanding 60,000 shares of \$6 First Preferred Stock at \$100 per share or \$6,000,000 and its capital stock liability on its outstanding 1,200,000 shares of common stock, at \$5 per share or \$6,000,000.

Louisiana Power & Light Company in addition proposes to amend its certificate of incorporation, such amendments to provide in substance that:

1. The present authorization for the issuance of Second Preferred Stock (\$6) shall be eliminated, and the authorization for 205,000 shares of \$6 First Preferred Stock shall be reduced to 200,000 shares;

2. In the event that accumulated and unpaid preferred dividends at the date of any annual meeting shall aggregate four full quarterly dividends a majority of the Preferred Stockholders, voting as a class, shall be entitled at any annual meeting to elect a majority of the Board of Directors;

3. Any mortgage or pledge of fixed assets, other than to refund existing mortgage debt or to take action required to be taken under the existing mortgage) shall be first approved by a majority of each class of stockholders present and voting at a meeting called for such purpose;

4. Any change in the provisions set out in paragraphs (2) and (3) above shall be approved by two-thirds of the Preferred Stockholders voting as a class;

5. The provision permitting transfer of all outstanding stock to a new corporation in return for the capital stock of such new corporation upon a vote of stockholders required to dissolve the corporation shall be eliminated.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20040; Filed, December 16, 1943;  
3:44 p. m.]

[File Nos. 54-67, 59-64, 70-723]

PEOPLES LIGHT & POWER CO., ET AL.

PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December 1943.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, Western States Utilities Company, respondents, File No. 59-64; Consolidated Electric and Gas Company, Peoples Gas Company, applicants, File No. 70-723.

Peoples Light and Power Company, a registered holding company, and two of its subsidiaries, West Coast Power Company and Texas Public Service Company, having filed declarations and applications pursuant to the Public Utility Holding Company Act of 1935 with respect to certain transactions, including the proposed contribution of \$1,000,000 in cash by Peoples Light and Power Company to Texas Public Service Company; and

The Commission by order dated October 27, 1943 having approved the said applications and permitted the said declarations to become effective; and

The above-named applicants on December 10, 1943 having filed an amendment requesting that the Commission amend its order of October 27, 1943 so as to permit the \$1,000,000 contribution to be made in the form of \$750,000 in cash and \$250,000 in United States Treasury Notes, Tax Series C; and

It appearing appropriate to the Commission that the order of October 27, 1943, should be so amended;

*It is ordered,* That the order of October 27, 1943 permitting the declaration regarding the proposed contribution of \$1,000,000 by Peoples Light and Power Company to Texas Public Service Company to become effective, be and the same is hereby amended so as to provide that \$750,000 of such sum shall be in cash and \$250,000 in United States Treasury Notes, Tax Series C.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20101; Filed, December 17, 1943;  
11:08 a. m.]

[File No. 70-802]

## STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of December 1943.

Standard Gas and Electric Company, a registered holding company, having filed a declaration pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 of the Rules and Regulations promulgated thereunder regarding the sale by it to A. C. Allyn and Company, an affiliate, and Equitable Securities Corporation, for \$800,000 cash, of its entire interest in Market Street Railway Company, a non-utility subsidiary of the declarant, which interest consists of: (a) An open account indebtedness owing by Market Street Railway Company to Standard Gas and Electric Company in the principal amount of \$863,094; interest on said open account indebtedness is computed by Standard Gas and Electric Company in the sum of \$272,975.83 to September 30, 1943, whereas Market Street Railway Company computes interest to said date at \$204,448.35, claiming the right to accrue interest at 4% from October 24, 1939, pursuant to a plan, approved by the Railroad Commission of the State of California, for extension of maturity of its bonds from April 1, 1940 to April 1, 1945; (b) 39,250 shares of preferred, 6% cumulative, stock; (c) 25,500 shares of second preferred, 6%, stock; and (d) 61,900 shares of common stock.

A public hearing having been held upon said declaration, after appropriate notice, and the Commission having considered the record and made and filed its findings and opinion herein:

*It is ordered*, That said declaration be permitted to become effective subject to the conditions prescribed by Rule U-24 of the General Rules and Regulations.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20102; Filed, December 17, 1943;  
11:08 a. m.]

[File No. 70-820]

CAPE & VINEYARD ELECTRIC COMPANY AND  
NEW ENGLAND GAS AND ELECTRIC ASSOCIA-  
TION

## ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 16th day of December 1943.

New England Gas and Electric Association, a registered holding company, and its wholly-controlled subsidiary, Cape & Vineyard Electric Company, having filed a joint application pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale by Cape & Vineyard Electric Company of 3,000 shares of common stock (of the par value of \$25 per share) to, and the acquisition by, New

England Gas and Electric Association for the cash consideration of \$50 per share, to aggregate \$150,000, the proceeds from the issuance and sale of this stock to be used for the purpose of paying Cape & Vineyard Electric Company's indebtedness, in the sum of \$150,000, to The First National Bank of Boston; and

Said application having been filed on November 23, 1943, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed issuance of securities being for the purpose of financing the business of such subsidiary company and having been expressly authorized by the Department of Public Utilities of Massachusetts; the Commission finding that such acquisition by New England Gas and Electric Association meets the requirements of section 10 (c) (2); and the Commission observing no basis for adverse findings under section 10 or any other applicable section of the act;

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that the aforesaid application be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20105; Filed, December 17, 1943;  
11:08 a. m.]

[File Nos. 54-69, 59-65]

OGDEN CORPORATION AND SUBSIDIARY  
COMPANIES

## NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December 1943.

Notice is hereby given that an amendment to an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 has been filed by Ogden Corporation, a registered holding company, pursuant to the applicable sections of the Act and the rules and regulations promulgated thereunder.

All interested persons are referred to said document which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Ogden Corporation proposes to sell to a group of individuals all of the securities, including accrued interest thereon, which it owns of Missouri Natural Gas Company, a wholly-owned public utility subsidiary of Ogden Corporation. The said securities consist of 100 shares of capital stock without par value, and \$805,500 principal amount of unsecured 6% demand notes of Missouri Natural

Gas Company, the unpaid accrued interest on said notes amounting, as at September 30, 1943, to \$136,932.27. The base purchase price is \$530,000, subject to certain adjustments. The prospective purchasers, in a statement filed with this Commission, will undertake "as soon as practicable" to readjust the capital structure of Missouri Natural Gas Company and substantially reduce such company's debt in the manner and to the extent set forth in such statement if the proposed transaction is approved by the Commission.

Ogden Corporation states that it desires to consummate the aforesaid transaction in order to comply with the Commission's order of May 20, 1943 approving a plan filed by Ogden Corporation and subsidiaries under section 11 (e) of the act designed to enable the Ogden holding company system to conform with the requirements of section 11 (b) of the act and directing Ogden Corporation, among other things, to divest itself of all its interest in all of its subsidiaries which are holding or public utility companies.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, and that the said amendment to the said plan shall not be approved except pursuant to further order of this Commission;

*It is ordered*, That a hearing on said matter under the applicable provisions of the act and the rules of the Commission thereunder be held in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10 a. m., e. w. t., on the 28th day of December 1943, in such room as may be designated at such time by the Hearing Room Clerk in Room 318.

*It is further ordered*, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered*, That any person desiring to be heard in connection with these proceedings or permission to intervene therein shall, on or before December 24, 1943, file a written application with the Secretary of the Commission in accordance with the provisions of Rule XVII of the Commission's Rules of Practice.

*It is further ordered*, That, without limiting the scope of the issues presented by the said amendment to the said plan, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transaction is in compliance with the Commission's order dated May 20, 1943 approving a plan under section 11 (e) filed by Ogden Corporation and subsidiaries and directing certain action to be taken pursuant to section 11 (b) and is otherwise in compliance with the applicable standards of the act;

## FEDERAL REGISTER, Saturday, December 18, 1943

2. What accounting adjustments should be made in connection with the proposed transaction;

3. Whether the proposed consideration to be received by Ogden Corporation is reasonable;

4. Whether any terms and conditions are necessary in the public interest and for the protection of investors and consumers to prevent the circumvention of the provisions of the act or of the rules, regulations, or orders thereunder, and, if so, what terms and conditions should be imposed.

*It is further ordered,* That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Ogden Corporation and subsidiaries and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20103; Filed, December 17, 1943;  
11:09 a. m.]

[File No. 70-823]

**CONSOLIDATED ELECTRIC AND GAS CO. AND  
THE ISLANDS GAS AND ELECTRIC CO.**

**NOTICE OF FILING AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December 1943.

Notice is hereby given that joint declarations or applications (or both) and an amendment thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and The Islands Gas and Electric Company ("Islands"), a subsidiary of Consolidated and also a holding company. All interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Islands has outstanding a secured 6% demand note in the principal amount of \$2,500,000 payable to International General Electric Company, Inc. ("International") which is unconditionally guaranteed as to payment of both principal and interest by Consolidated. Consolidated and Islands have entered into an agreement with International in which it is proposed that such obligation will be satisfied in full through the payment of cash in the amount of \$2,125,000 which represents 85% of the face amount of such note.

Payment on the notes under said agreement will be made either by Islands or by Consolidated; if by Islands, Consolidated will donate, as a capital contribution to Islands, sufficient funds to pay off the note. It is stated that it is presently anticipated that Consolidated will make the payments directly and, after acquisition of the note from International under said agreement, will pledge

the note under the collateral trust indenture, dated August 1, 1932, securing the Collateral Trust Gold Bonds of Consolidated, as required by the terms of such indenture.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations or applications (or both), and that said declarations or applications (or both), shall not become effective or be granted except pursuant to further order of the Commission.

*It is ordered,* That a hearing on said declarations or applications (or both) under the applicable provisions of the Act and the rules of the Commission thereunder be held on December 29, 1943, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

*It is further ordered,* That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered,* That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before December 24, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

*It is further ordered,* That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Consolidated Electric and Gas Company and The Islands Gas and Electric Company by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

*It is further ordered,* That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed transactions are fair and equitable to the persons affected thereby, including the other debt security holders of Consolidated;

(2) Whether the proposed transactions will be detrimental to the financial integrity of Consolidated or of Islands;

(3) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or to the carrying out of section 11 of the act or will tend to circumvent any provisions of the act or the rules, regulations or orders promulgated thereunder; and

(4) Whether, if the transactions proposed are authorized by the Commission, it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers and, if so, what such terms and conditions should be.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20106; Filed, December 17, 1943;  
11:09 a. m.]

[File No. 54-46]

**LONE STAR GAS CORP., ET AL.  
ORDER GRANTING APPLICATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December 1943.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company, Lone Star Gasoline Company.

The Commission having by order dated October 22, 1942, entered pursuant to section 11 of the Public Utility Holding Company Act of 1935, directed, pursuant to section 11 (b) (1) of said act, that Lone Star Gas Corporation, a registered holding company, divest itself of all interests in, and all ownership and control of, certain companies and certain properties designated in said order, and having by the terms of said order reserved jurisdiction to enter such further orders as it might deem necessary and appropriate; and

Lone Star Gas Corporation and its successor company, Lone Star Gas Company, having filed an application requesting an extension of time for one year within which to comply with the divestment provisions of said order of October 22, 1942; and

The Commission having found that Lone Star Gas Corporation and Lone Star Gas Company have been unable in the exercise of due diligence to comply with the divestment provisions of said order within the initial statutory period of one year from the date thereof, and that a limited extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers; and that under the circumstances an extension should be granted for a period of six months;

*It is ordered,* That Lone Star Gas Corporation and Lone Star Gas Company be and hereby are granted an additional period of six months from October 22, 1943 within which to comply with said provisions of said order of October 22, 1942, without prejudice, however, to the applicants to apply for an additional extension if the circumstances warrant.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-20100; Filed, December 17, 1943;  
11:09 a. m.]

[File No. 812-340]

INVESTORS SYNDICATE AND INVESTORS  
SYNDICATE OF AMERICA, INC.

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December, A. D. 1943.

An application has been filed by Investors Syndicate and Investors Syndicate of America, Inc., registered investment companies, for an order exempting from the provisions of section 17 (a) of the Investment Company Act of 1940 until November 14, 1945, certain transactions between the applicants. By order dated November 13, 1941 the Commission granted to the applicants a similar exemption which expired on November 14, 1943.

The transactions as to which the applicants seek exemption are the continued sale or assignment by Investors Syndicate to Investors Syndicate of America, Inc., its wholly owned subsidiary, of certain mortgages and other first liens on real estate at prices representing 101½% of principal amount or cost of the mortgage or other first lien to Investors Syndicate, whichever is the lesser amount; and the servicing of said mortgages or other first liens at a service fee equal to 1½ of 1% per month of the unpaid principal balance of such mortgages or other first liens.

*It is ordered,* Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on Monday, December 20, 1943 at ten o'clock, a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

*It is further ordered,* That Robert P. Reeder, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-20107; Filed, December 17, 1943;  
11:09 a. m.]

[File Nos. 59-8, 70-676]

THE COMMONWEALTH AND SOUTHERN CORP.,  
ET AL

## ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of December 1943.

In the matter of The Commonwealth & Southern Corporation and its subsidiary companies, respondents, File No. 59-8, Transportation Securities Corporation, The Commonwealth & Southern Corporation, File No. 70-676.

The Commonwealth & Southern Corporation, a registered holding company, and its subsidiary, Transportation Securities Corporation, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10 and 12 (f) thereof and Rule U-43 thereunder, concerning the sale by Transportation Securities Corporation of its investment in Atlanta Northern Railway Company to The Commonwealth & Southern Corporation for a cash consideration of \$130,000 plus an amount equal to the net income of Atlanta Northern Railway Company earned from April 30, 1943 to the date of purchase, after provision for depreciation at the rate of \$1,833 monthly and for taxes at the 1942 rate; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein,

*It is hereby ordered,* Pursuant to the applicable provisions of the Act, that the application be and hereby is granted and the declaration be and is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24; and authorization of the transaction being without prejudice to the question of retainability by The Commonwealth & Southern Corporation of its interest in Atlanta Northern Railway Company under the standards of section 11 (b) (1) of the Act, jurisdiction being reserved as to this matter.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-20104; Filed, December 17, 1943;  
11:10 a. m.]

[File Nos. 54-45, 59-48]

## SOUTHERN UNION GAS COMPANY, ET AL.

## ORDER DECLARING CESSION OF HOLDING COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December, A. D. 1943.

Order declaring that registered holding Company has ceased to be a holding company and that, subject to certain terms and conditions, its registration as such shall cease to be in effect.

Southern Union Gas Company, a registered holding company, having heretofore filed an application herein for the entry of an order by this Commission declaring, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, that upon the consummation of certain transactions for which Commission authorization was sought, as par-

ticularly described in amendments numbered 8, 9, 10, and 11 to the application originally filed herein, Southern Union Gas Company shall have ceased to be a holding company within the purview of said act and that its registration as such should no longer be effective;

Public hearings having been held after appropriate notice upon said application and the several other matters involved in said numbered amendments, and the Commission having considered the record herein, having made and filed its findings in respect of the several subject transactions, and having, by order entered herein under date of October 16, 1943, granted the applications and permitted the declarations, embodied in said numbered amendments, to become effective, except the application above mentioned for the entry of an order declaring that said Southern Union Gas Company, upon the consummation of the several other transactions involved, would have ceased to be a holding company, and in respect of said last mentioned application, having by said order of October 16, 1943, *Provided*, As follows:

*It is further ordered,* That upon the filing by Southern Union of a certificate of notification of the consummation of the transactions proposed in the subject declarations and applications in the manner and form therein set forth, and to the further effect that no director of Southern Union remains a director of Arkansas, a further order in this proceeding shall issue, as of course, declaring, pursuant to Section 5 (d) of the act, that Southern Union has ceased to be a holding company and that its registration as such shall no longer be effective, but such order shall contain conditions to the effect that all requirements, conditions and reservations contained in the order of this Commission entered in this proceeding under date of September 19, 1942, shall continue in full force and effect until complied with, or until, and unless this Commission shall, by subsequent order, or orders amend, modify or revoke any such requirements or conditions or release any jurisdiction so reserved;

Southern Union Gas Company having now filed a certificate of notification herein of the consummation of the transactions proposed in said declarations and applications in the manner and form therein set forth and particularly to the effect that said Southern Union Gas Company has now disposed of all its interest in Arkansas Western Gas Company, which, at the time of the entry of said order of October 16, 1943, was the sole remaining public utility subsidiary of said Southern Union Gas Company, and said certificate being to the further effect that no director of Southern Union Gas Company is now a director of Arkansas Western Gas Company;

The Commission having considered said certificate, so supplementing the record heretofore made herein, and finding that said Southern Union Gas Company has ceased to be a holding company and that the registration of said Southern Union Gas Company as a holding company should cease to be in effect, but the Commission further finding that such registration should cease to be in effect only upon those terms and conditions hereinafter set forth, which terms

## FEDERAL REGISTER, Saturday, December 18, 1943

and conditions the Commission finds and hereby prescribes as necessary for the protection of investors;

*It is ordered and declared,* That said Southern Union Gas Company, a registered holding company, has ceased to be a holding company, and that its registration as such shall from the date of the entry of this order cease to be effective;

*Provided, however,* And said registration shall cease to be effective only upon the express terms and conditions that all requirements, conditions and reservations contained in the order of this Commission entered in this proceeding under date of September 19, 1942, and particularly, but without limiting the generality of the foregoing, the requirements of said order that said Southern Union Gas Company (in said order designated by the then name of said corporation, "Texas Southwestern Gas Company") within one year from the date of said order (except as said period has heretofore been, and may hereafter be, extended) shall take such action as may be necessary to divest itself of all interest in and of all ownership and control of the physical properties owned by said corporation located in Oklahoma, in central Texas and in southeastern Texas, more particularly described as those properties located in and around Kingfisher, in central Oklahoma, Hico, in central Texas, and Bellville, in southeast Texas, and the reservation to this Commission of jurisdiction "to entertain such further proceedings, to make such further and supplemental findings, to

approve the terms and conditions, and to take such additional and further action as may be found by it to be appropriate in the premises, in connection with the disposition" of said physical properties, shall continue in full force and effect until complied with, or until, and unless this Commission shall, by subsequent order, or orders, amend, modify or revoke any such requirements or conditions or release any jurisdiction so reserved.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-20099; Filed, December 17, 1943;  
11:10 a. m.]

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KURT H. SCHURIG & CO.

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of December, A. D. 1943.

In the matter of Kurt H. Schurig and Dorothy A. Maier, doing business as Kurt H. Schurig & Co., 50 Broadway, New York, New York.

1. Kurt H. Schurig & Co., a partnership composed of Kurt H. Schurig and Dorothy A. Maier, is registered as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

2. The Commission, on the basis of facts reported to it, instituted a proceed-

ing under section 15 (b) of said act to determine whether or not the registration of the respondent as a broker and dealer should be revoked. The facts alleged were to the effect that Kurt H. Schurig and Dorothy A. Maier, individually and as co-partners, are permanently enjoined by decree of the Supreme Court of New York, in and for the County of New York, entered on or about October 11, 1943, from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities.

3. The respondent, in an "Answer and Consent to Revocation," acknowledged service of adequate notice, waived its opportunity to be heard, admitted the facts alleged, and consented to the entry of an order by the Commission revoking its registration as a broker and dealer.

4. The Commission finds, on the basis of the foregoing, that the facts so admitted are true and that revocation of the respondent's registration as a broker and dealer is in the public interest. Accordingly, *It is ordered*, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of the respondent as a broker and dealer be and hereby is revoked effective December 15, 1943.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-20108; Filed, December 17, 1943;  
11:10 a. m.]